

**TOWN OF WHITESTOWN, INDIANA
ORDINANCE NO. 2024-08**

VERSION B

**AN ORDINANCE AMENDING AND ADOPTING PURCHASING AND
PROCUREMENT POLICIES FOR THE TOWN OF WHITESTOWN, INDIANA**

WHEREAS, the Town of Whitestown, Indiana (“Town”) is a municipality duly organized and existing under the provisions of Ind. Code § 36-5-1; and

WHEREAS, pursuant to Ind. Code § 36-5-2-2, the Town Council (“Council”) of the Town of Whitestown, Indiana (“Town”) is the legislative body of the Town and the Council President is the Executive of the Town (“Executive”); and

WHEREAS, pursuant to Ind. Code § 36-5-2-9, the Council may adopt ordinances and resolutions for the performance of functions of the Town; and

WHEREAS, the Town currently maintains a purchasing and procurement policy as previously adopted under Ordinance 2015-28; and

WHEREAS, in order to reflect purchasing and procurement updates in state law and within current Town policies and practices, the Council now desires to update, amend, and repeal the Town’s purchasing and procurement policy as set forth in **Exhibit A** to this Ordinance; and

WHEREAS, the Town, by and through its Council, has determined that it is in the best interest of the Town to adopt this Ordinance establishing the current purchasing and procurement policy for the Town of Whitestown, Indiana.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WHITESTOWN, INDIANA:

Section 1. The foregoing recitals are incorporated herein.

Section 2. **Exhibit A**, attached herein and titled Town of Whitestown Purchasing and Procurement Policy, is hereby adopted in its entirety.

Section 3. All prior ordinances or parts thereof inconsistent with any provision of this Ordinance and its **Exhibit A** are hereby repealed as of the effective date of this Ordinance. However, the repeal or amendment by this Ordinance of any other ordinance or resolution does not affect any rights or liabilities accrued, penalties incurred or proceedings begun prior to the effective date of this Ordinance. Those rights, liabilities, and proceedings are continued and penalties shall be imposed and enforced under such repealed or amended ordinance as if this Ordinance had not been adopted.

Section 4. If any section, provision, or part of the Ordinance is for any reason declared to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance so long as enforcement of same can be given the same effect.

Section 5. This Ordinance shall be in full force and effect from and after its passage and signing by the Town Council.

PASSED by the Town Council of the Town of Whitestown, Indiana, this ____ day of _____, 2024, by a vote of ____ in favor and ____ against.

THE TOWN COUNCIL OF THE TOWN OF WHITESTOWN, INDIANA

Dan Patterson, President

Eric Nichols, Vice President

Cheryl Hancock

Tobe Thomas

Courtenay Smock

ATTEST:

Matt Sumner, Clerk-Treasurer

EXHIBIT A

TOWN OF WHITESTOWN PURCHASING AND PROCUREMENT POLICY

I. POLICY STATEMENT

The Town of Whitestown is a political subdivision of the State of Indiana and is governed by the state's public purchasing statutes including, but not limited to, the "Public Purchasing Law" found at Indiana Code §5-22 *et seq.* and "Public Works Project" found at Indiana Code §36-1-12 *et seq.*, as amended from time to time. In addition to Indiana Code, the Town's purchasing activities are further governed by local ordinances and resolutions of the Town Council.

The Town Council has adopted the following policies and procedures to be applicable to the purchase of goods and services and for public works projects in accordance with Indiana Code, and these policies and procedures apply to all Town departments, boards, and commissions.

If the policy refers to a section in Indiana Code, the information provided is for informational purposes only and the Indiana Code must be followed.

II. DEFINITIONS

The following terms have meanings specific to the purchasing statutes, where used in this Purchasing and Procurement Policy, the following terms shall mean:

Clerk-Treasurer	The elected clerk and fiscal officer of the Town.
Department Head	The Chiefs of Police and Fire; the directors of the following departments of the Town: Building Department, Code Enforcement, Development Services, Parks and Recreation, Planning Department, Public Relations, Public Works, Street Department, and Utilities; and their designees.
Policy	Refers to this Purchasing and Procurement Policy.
Professional Services	Services performed by architects, professional engineers or surveyors.
Public Works Project	The construction, reconstruction, alteration, or renovation of a public building, airport facility, or other structure that is paid for out of a public fund or out of a special assessment. The term includes the construction, alteration, or repair of a highway, street, alley, bridge, sewer, drain, or other improvement that is paid for out of a public fund or out of a special assessment. The term also includes any public work leased by a political subdivision under a lease containing an option to purchase.

Purchase	Purchase includes to buy, procure, rent, lease, or otherwise acquire. The term includes: <ul style="list-style-type: none"> • A description of requirements (specifications, delivery terms, etc.); • Solicitation or selection of sources from which purchase will be made; • Preparation and award of the purchase contract; • All phases of contract administration; and • All functions that pertain to purchasing (whatever that means). *This would include a trade-in or warranty work requirements.
Purchasing Agency	A governmental body authorized to enter into contracts under Indiana Code § 5-22 <i>et seq.</i> , by rules adopted thereunder, or by another state law.
Purchasing Agent	A person authorized by the purchasing agency to function as an agent for the purchasing agency in the administration of the duties of the purchasing agency.
Services	The furnishing of labor, time, or effort by a person, not involving the delivery of specific supplies other than printed documents or other items that are merely incidental to the required performance.
Specifications	A description of the physical or functional characteristics of a supply or service or the nature of a supply or service. The term includes a description of any requirements for inspecting, testing, or preparing a supply or service for deliver.
Supplies	Any property, including equipment, goods, and materials. Does not include real property.
Town	The Town of Whitestown, Boone County, Indiana.
Town Attorney	The attorney(s) and/or law firm engaged by the Council to represent and advise the Town and Council on all Town legal matters, as requested.
Town Council	The legislative body of the Town of Whitestown.
Town Manager	The administrative head of the Town government.

III. PURCHASING STANDARDS

All Purchasing Agents, as public employees, professionals, and representatives of the Town must provide unbiased judgment for each taxpayer expenditure. All purchasing activity must adhere to the following commonly shared values and ethical standards and each Purchasing Agent must:

1. Regard public service as a sacred trust, conduct all business with transparency, honesty, fairness, and integrity, give primary consideration and loyalty to the interests of the public agency.
2. Exercise skill and good judgment to obtain the maximum value for each dollar of expenditure.
3. Grant all competitive vendors equal consideration under State, Federal and Town regulations.
4. Encourage support for small, disadvantaged, minority, and women-owned businesses.
5. Demand honesty in sales representation whether offered through the medium of a verbal or written statement, an advertisement, or a sample of the product.
6. Avoid involvement in any transactions or activities that could be a conflict between personal interest and the interests of the Town.
7. Promote positive vendor and contractor relationships by affording vendor representatives prompt, courteous, fair, and ethical treatment.
8. Receive consent of originator of proprietary ideas and designs before using them for competitive purchasing purposes. Treat with discretion all information obtained in confidence.
9. Honor obligations and require that obligations to the public agency be honored.
10. Make every reasonable effort to negotiate equitable and mutually agreeable settlements of controversies with a vendor(s).
11. Avoid purchasing from relatives, if at all practical and possible. For the purposes of this Policy, "relatives" shall include spouses, dependents, parents, grandparents, uncles, nieces, nephews, and first-degree cousins. If purchase from a relative is unavoidable, the purchase must be approved by the Town Manager, Town Council, or the Town Council representative overseeing the Department in writing regardless of the amount. See also, the Town's anti-nepotism policy and Indiana Code § 35-44-1-3 concerning conflicts of interests.

IV. PURCHASING AGENTS AND APPROVALS

Purchasing Agency

The Town Council is hereby designated as the Purchasing Agency for the Town.

Purchasing Agents

The Town Council hereby designates the following persons to serve as Purchasing Agents for the Town:

- Town Council President
- Clerk-Treasurer
- Town Manager
- Each Department Head

Each Department Head's authority shall be limited to their respective departments and budgets. The Town Council may designate additional purchasing agents as necessary by ordinance or resolution.

Purchasing Approvals

Before any purchase using Town funds can be made, it must be approved by the appropriate Purchasing Agent, which shall be determined based on the amount of the purchase. The required approvals are as follows:

- If the purchase is \$10,000 or less, the Department Head of the department for which the purchase is made must approve the purchase.
- If the purchase is more than \$10,000 but less than \$25,000, the Town Manager must approve the purchase.
- If the purchase is more than \$25,000 but less than \$50,000, the Town Council President and one other Town Council member must approve the purchase.
- If the purchase is over \$50,000, the Town Council must approve the purchase.

V. PURCHASING REQUIREMENTS

A. Purchase of Supplies and Equipment: I.C. 5-22-7 through IC 5-22-10

All purchases of supplies must be procured by using the following purchasing methods in accordance with the purchase amount:

Purchase Amount	Procedure	Approval Authority
Greater than \$150,000	Sealed Competitive Bid Process: IC 5-22-7 (1) Issue invitation for bids ("IFB"), that includes purchase description, all contractual terms and conditions, state of evaluation criteria, time and place for opening bids, financial proof requirements, and a statement on conditions under which a bid may be cancelled or rejected in whole or in part;	Town Council

	<p>(2) Must publish notice of IFB in accordance with IC 5-3-1, public twice (2x) 1 week apart, with the second publication made at least 7 days before submittal deadline, notice may also be published to gateway and any other electronic means;</p> <p>(3) Bids must be opened publicly, in the presence of one or more witnesses;</p> <p>(4) Contract must be awarded with reasonable promptness by written notice to lowest responsible and responsive bidder; and</p> <p>(5) Maintain name of each bidder and bid amount for recordkeeping.</p> <p>If the lowest quote is rejected, reasons for the rejection must be noted in the meeting minutes.</p>	
Purchases between \$150,000 and \$50,000	<p>Quotes process required: IC 5-22-8. Purchasing Agency may:</p> <p>(1) invite quotes from at least three (3) persons known to deal in supplies purchased;</p> <p>(2) mail invitation for quote at least seven (7) days before time fixed for receiving quotes; and</p> <p>(3) award contract to lowest responsible and responsive offeror or reject all quotes.</p> <p>If no quotes are received from a responsible and responsive quoter, the purchasing agent may purchase supplies without soliciting more bids or proposals</p>	Town Council
Less than \$50,000	<p>No quote or bid process required: IC 5-22-8</p> <p>If purchase requires a contract, invite at least one quote by email, fax, telephone or mail. If purchase does not require a contract, purchasing agent may purchase from one supplier without obtaining quotes.</p>	<p>More than \$25,000 and less than \$50,000- Town Council President + Additional Council Member</p> <p>More than \$10,000 and less than \$25,000 —Town Manager</p> <p>Less than \$10,000- Department Head</p>
Special Purchasing Methods	<p>No quote or bid process required: IC 5-22-10</p> <p>(1) Determine whether special purchasing method may be used in accordance with IC 5-22-10;</p> <p>(2) Maintain a separate contract file listing all special purchase contracts and detailing why each special</p>	Town Council

	purchasing method was used and why a particular contractor was chosen; (3) Supplies must meet the specifications of the Town; and (4) Must be purchased at a fair market price.	
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*Pursuant to Ind. Code § 5-22-8-1(b), purchases less than one hundred fifty thousand dollars (\$150,000) may not be artificially divided to avoid the applicable purchasing methods.

B. Services: I.C. 5-22-6

A Purchasing Agent may purchase services using any procedure it considers appropriate, including through obtaining quotes, request for proposals, competitive bidding, etc.

C. Request for Proposals: I.C. 5-22-9

A Purchasing Agent may award a contract for services, supplies, or equipment through a Request for Proposal (“RFP”) procedure instead of any other purchasing method when it is not practicable or not advantageous to the Town to purchase supplies via competitive bidding. The RFP process is as follows:

- Notice of the RFP must be published two times (2x), one (1) week apart with the second publication at least seven (7) days prior to the date fixed for receiving proposals.
- The RFP must include the following: factors or criteria to be used in evaluating proposals, statement concerning the relative importance of price and the other evaluation factors, proof of financial responsibility requirements, and a statement on whether discussions may be conducted with responsible offerors.
- Proposals must be opened to avoid disclosure of contents to competing offerors during the process of negotiation.
- The purchase contract shall be made to the responsible offeror whose proposal is determined in writing to be the most advantageous to the Town. The purchase may be awarded to more than one offeror, as long as it was outlined as a possibility in the RFP.
- Offerors must be accorded fair and equal treatment with opportunities for discussions and revisions of proposals. The Department Head shall prepare and maintain a register of proposals that must be open for public inspection after contract award and include the following:
 1. A copy of the RFP;
 2. A list of all persons to whom copies of the RFP were given;
 3. A list of all proposals received, including the names and addresses of all offerors, the dollar amount of each offer, and the name of the successful offeror and the dollar amount of that offer;
 4. The basis on which the award was made; and
 5. The entire contents of the contract file except for proprietary information included with an offer (i.e. trade secrets, manufacturing processes, and financial information) that was not required to be made available for public inspection by the terms of the RFP.

D. Public Works Projects: I.C. 36-1-12-et. seq.

Public Works Projects are exempt from the public purchasing guidelines, however, pursuant to this policy, must follow the following procedure and approval structure:

Purchase Amount	Procedure	Approval
Greater than \$150,000	<p>Full specification and bidding requirements: IC 36-1-12-4</p> <p>(1) Develop general plans and specifications;</p> <p>(2) Maintain plans and specifications in location reasonably accessible to public;</p> <p>(3) Publish notice no more than 6 weeks before date of receiving bids (10 weeks if project over \$25 million);</p> <p>(4) open bids publicly; and</p> <p>(5) award to lowest responsible and responsive bidder or reject all bids. If the lowest bid is not accepted, reasons for the selection of winning bidder must be noted in the meeting minutes.</p> <p>*Once bids have been reviewed, they should be given to the Clerk for storage and return of bid bonds.</p> <p>If over \$300,000, Contractor must be prequalified by INDOT.</p>	Town Council
Less than \$150,000, but greater than \$50,000	<p>Invite quotes on behalf of Town Council by mail: IC 36-1-12-4.7</p> <p>(1) Develop specifications;</p> <p>(2) Invite quotes from at least 3 persons known to deal in the class of work proposed by mailing them notice stating where the plans and specs are on file no less than 7 days before deadline for receiving quotes;</p> <p>(3) Open bids publicly; and</p> <p>(4) Award contract to lowest responsible and responsive bidder, or reject all quotes. If the lowest quote is rejected, reasons for the rejection must be noted in the meeting minutes.</p>	Town Council

Less than \$50,000	<p>Invite quotes on behalf of Town Council, but may reject all and negotiate: IC 36-1-12-5</p> <p>(1) Invite quotes from at least 3 persons either by mailing notice at least 7 days before deadline to receive quotes, or by telephone, facsimile transmission, or email, in which 7 day waiting period does not apply;</p> <p>(2) Open quotes publicly;</p> <p>(3) Award contract to lowest responsible and responsive quoter or reject all quotes;</p> <p>(4) If reasons for rejecting all quotes is in writing, may negotiate in open market without inviting or receiving quotes</p>	Town Council
Emergencies — any price	<p>(1) Declare emergency (reflect declaration in Council meeting minutes); and (2) invite bids or quotes from at least 2 persons known to deal in the public work required to be done (reflect name of persons invited to bid in meeting minutes). See also, IC § 36-1-12-9.</p>	Town Council
Using Own Workforce — \$100,000 - \$250,000	<p>For projects between \$100,000 and \$250,000, (1) publish notice, hold a public meeting & determine it is in public's interest to use government workforce; and (2) follow public purchasing rules for purchase of materials. See also IC §36-1-12-3.</p>	Town Council
Routine Maintenance of existing buildings— Less than \$150,000	<p>Follow procedures for purchase of supplies and equipment under IC 5-22. See also, IC § 36-1-12-4.9</p>	Town Council
Professional Services	<p>May contract for professional services in any manner deemed appropriate. The Town hereby determines that notice under IC § 5-16-11.1-4 is not required to award contract for professional services.</p>	Town Council

VI. CONTRACT REQUIREMENTS

1. All contracts for any purchase contemplated herein must include, at the minimum, the following:
 - (a) The proper name of the parties;

- (b) Terms and conditions that are clearly stated and consistent throughout the document with no conflict with federal, state, or local laws or regulations;
 - (c) The amount of payment due on the contract must be clearly stated with a detailed description as to the payment schedule, rate of pay, if applicable, the services to be provided with any deliverables clearly identified, and all deadlines or schedules stated as appropriate;
 - (d) Indemnity and Insurance requirements and a certificate of insurance are required.
 - (e) The effective start and end date of the contract, and any applicable renewals;
 - (f) Does not contain any visible Social Security number in the contract, or any of the attachments or exhibits;
 - (g) A certification that the contractor does not engage in investment activities within the County of Iran; and
 - (h) Contracts for services with a contractor must include an E-verify provision and must contain a signed affidavit by the contractor affirming that the contractor does not knowingly employ an “unauthorized alien.”
2. This list is not inclusive and additional terms may be required pursuant to Indiana Code and local law.
 3. A contract for the supplies may not be for a term of more than four (4) years, although it may be renewed.
 4. Only those officers, Department Heads, boards, commissions or other agency of the Town empowered by Indiana Code may execute a contract on behalf of the Town of Whitestown. A board or commission may authorize certain persons to sign contracts on its behalf, but unless expressly authorized by statute or proper resolution, an employee without express approval is considered unauthorized to bind the Town to the contract. The President of the Town Council, the Town Manager, and the Department Heads are authorized to sign contracts only as set forth in this Policy and pursuant to local ordinances.
 5. All contracts must be signed first by the other party before they are submitted to the appropriate Town signatory for execution.
 6. All contracts over \$10,000 shall be reviewed by the Town Attorney, unless otherwise requested.

VII. PURCHASING PRICE PREFERENCES.

Indiana Code outlines certain price preferences that shall be given to certain offerors. Offerors (persons submitting a proposal or being considered for a purchasing contract) are allowed to claim only one preference and must indicate in the offer what supply item in the offer is a preferred supply.

Only one price preference may be applied to each item, even if the respondent has indicated they wish to claim multiple preferences. The preference that is most beneficial should be applied. A Purchasing Agent shall award a contract to the offeror whose total adjusted offer is lower than the total adjusted offer of each other offeror, as long as it meets the other requirements set forth in the Indiana Code as the “best bidder” or “most responsible and responsive bid.” The Town hereby establishes that the following price preferences will be granted if requested by bidder/quoter/offeror:

1. Small Business Set Aside [Preference allowed, IC 5-22-14]

The Town hereby establishes criteria for determining qualifications as a small business and to identify specific services, supplies or equipment for small business set aside purchases. The solicitation must state that offers will only be accepted from small businesses. A price preference allows small businesses to be able to compete for the Town's business while taking into consideration a preference. If a bidder/quoter/offeror claims a price preference, 15% will be deducted from the price of the item(s) that meet the criteria for that preference, and the newly figured prices will be used for evaluation purposes to determine who should receive the award.

Qualifications.

A business qualifies as a small business if independently owned and operated, is not dominant in its field of operation and does not fall under one of the following categories:

- a) A wholesale business, if its average annual sales for its most recently completed fiscal year exceeds \$4 million;
- b) A construction business, if its average annual receipts for the preceding three fiscal years exceeds \$4 million;
- c) A retail business or business selling services, if its annual sales and receipts exceed \$500,000; or
- d) A manufacturing business, defined as a business that processes raw materials or parts into finished goods, is not a small business if it employes more than 100 persons or its annual sales for its most recently completed fiscal year exceeded \$4 million.
- e) A business in any of the following sectors if it employs more than 100 persons or it its annual sales exceed \$5 million:
 - a. Information technology
 - b. Life Sciences
 - c. Transportation
 - d. Logistics.

Procedure

1. Designate the specific supplies sought as a “small business set-aside,” when offers will only be accepted by small businesses, if there is a reasonable expectation that

- offers will be obtained from at least two small businesses capable of furnishing the supplies or service at a fair and reasonable price;
2. Designate businesses as small business, in accordance with the qualifications above;
 3. Solicit offers from designated small businesses;
 4. Award contract to lowest responsible and responsive offer or reject all offers and withdraw designation as a small business set-aside if the lowest responsible and responsive offer will result in the payment of an unreasonable price

2. **Local Business Preference [Preference allowed, IC 5-22-15-20.9]**

A price preference allows local businesses to be able to compete for the Town's business while taking into consideration a preference. If a bidder/quoter/offeror claims a local business price preference, a given percentage as set forth below, will be deducted from the price of the item(s) that meet the criteria for that preference, and the newly figured prices will be used for evaluation purposes to determine who should receive the award.

"Local Indiana business" refers to any of the following:

- a. A business whose principal place of business is located in Boone County, Indiana or an adjacent county;
- b. A business that pays a majority of its payroll (in dollar volume) to residents of Boone County, Indiana or an adjacent county;
- c. A business that employs residents of Boone County, Indiana or an adjacent county as a majority of its employees;

The following price preferences apply to supplies purchased from a Local Indiana business that has claimed a price preference:

- (1) Five percent (5%) for a purchase expected by the purchasing agency to be less than fifty thousand dollars (\$50,000).
- (2) Three percent (3%) for a purchase expected by the purchasing agency to be at least fifty thousand dollars (\$50,000) but less than one hundred thousand dollars (\$100,000).
- (3) One percent (1%) for a purchase expected by the purchasing agency to be at least one hundred thousand dollars (\$100,000).

Any business claiming this preference must do all the following:

- (1) Declare the business intends to claim this price preference in their bid;
- (2) Provide the following information to the purchasing agency:
 - (a) The location of the business's principal place of business and a statement explaining the reasons the business considers Boone County as the business's principal place of business.
 - (b) The amount of the business's total payroll and the amount of the business's payroll paid to Boone County residents.
 - (c) The number of the business's employees and the number of the business's employees who are residents of Boone County.

- (d) A description of the capital investments made and the amount of those capital investments, if applicable.
- (e) A description of the substantial positive economic impact the business has on Boon County, Indiana or an adjacent County.

3. **Indiana Small Business Preference [IC § 5-22-15-23]**

A small business, as defined above, in Indiana or a veteran owned small business shall be given a 15% preference for supplies.

A veteran owned small business is a small business that is independently owned and operated, is not dominant in its field of operation, and satisfies the criteria in IC § 4-13-16.5-1.5.

VIII. CREDIT CARD POLICY

Credit cards will be issued to Town employees at the discretion of the Town Manager. Use of Town credit cards shall be governed by the following policies:

1. Town credit cards may only be used for Town business, which shall include:
 - Purchase of equipment, supplies, and/or service agreements;
 - Travel and business meal expenses;
 - Subscriptions and fees;
 - Training expenses;
 - Postage and shipping expenses; and
 - Veterinary expenses for K-9 officers.
2. All credit cards shall have a maximum limit not to exceed \$5,000.00.
3. Each person issued a credit card must maintain an accounting system or log for the use of the credit card, which shall include:
 - Names of individuals requesting use of credit card;
 - Their position;
 - The estimated amounts to be charged;
 - The fund and account numbers to be charged;
 - The date the credit card is issued and returned; and
 - Any other relevant information.
4. Purchases shall be recorded within 48 hours of the transaction.
5. By the 10th of each month, each card holder shall provide Clerk-Treasurer with a summary of each month's purchases with a detailed original receipt for each purchase made on the credit card.
6. Any cardholder that makes an unauthorized purchase of a personal nature must provide a detailed original receipt(s) and valid payment for that purchase(s) within 30 days of being notified a charge is not approved. Any such charge(s) must be repaid by the cardholder within 30 days' time or will be subject to disciplinary action.

IX. PRE-APPROVED CLAIMS POLICY

The Clerk-Treasurer may make claim payments in advance of Town Council approval for the following types of expenses:

1. Property or services leased from the U.S. government or another political subdivision of the U.S. government;
2. License fees or permit fees;
3. Insurance premiums;
4. Utility payments or utility connection charges;
5. Federal grant payment if (i) advanced funding is not prohibited; and (ii) the contracting party provides sufficient security for the amount advanced;
6. Grants of State funds authorized by statute;
7. Maintenance agreements or service agreements;
8. Lease agreements or rental agreements;
9. Principal and interest payment on bonds;
10. Payroll and any related PERF payments;
11. State, federal, or county taxes;
12. Expenses that must be paid because of emergency circumstances, provided the Clerk-Treasurer obtains written authorization of the Town Council President and one other Council member;
13. Additional goods or services requested under an existing and previously approved and fully executed agreement or contract;
14. Whitestown Municipal Utility payments made to the Town of Whitestown;
15. Approved Insurance claims;
16. Any expenditure of \$50,000 or less, for which funds have been appropriated and are approved by the appropriate Purchasing Agent., that fall under the guidelines of this Policy; and
17. Any other expenses described in an ordinance adopted by the Town Council.

Items on the Pre-Approved Claims List must have (i) sufficient appropriation of funds, (ii) verification of funds and invoices, and (iii) approval of the claim at the next Town Council meeting.

X. PENALTIES, INTERESTS, AND OTHER CHARGES

The Clerk-Treasurer and any other Purchasing Agent have a duty to pay claims, remit taxes in a timely manner, and perform their duties in a manner which would not result in any unreasonable fees being assessed against the Town. If a Purchasing Agent allows or creates any penalties, interest, or other charges to be incurred by the Town, the Purchasing Agent, at the Town Council's discretion, may be found to be personally liable for any actual costs incurred as a result of the Purchasing Agent's disregard of this Purchasing Policy, as well as any reasonable attorney fees associated with the Town resolving or terminating the Purchasing Agent's action as it relates to obligating the Town to incur a penalty, interest, or other charge.

XI. PURCHASE OF ALCOHOL

No Town funds may be used to purchase alcohol for any reason, unless otherwise approved by the Town Council via Ordinance, Resolution, or otherwise.

XII. LINES OF CREDIT PROHIBITED

No Town employee or Purchasing Agent may take out a line of credit in the name of the Town without the prior approval of the Town Council. Any violation of this policy may result in the employee or Purchasing Agent being personally liable for the amount of the line of credit extended on behalf of the town, as well as any actual costs incurred and any attorney fees associated with the Town resolving or terminating the Purchasing Agent's action as it relates to obligating the Town in a line of credit.

XIII. TAX EXEMPTION

Town expenditures are generally exempt from Indiana sales tax. It shall be the responsibility of the Purchasing Agent to ensure such exemption is applied to all Town purchases. Requests from vendors for tax exemption information may be sent directly to the Clerk-Treasurer. Any sales tax exemption not properly applied by the Purchasing Authority may become the personal obligation of the responsible Purchasing Agent, at the discretion of the majority of the Town Council.

XIV. CONFLICTS OF INTEREST

Any Town employee or elected or appointed official who knowingly or intentionally has a pecuniary interest in or derives a profit from a Town contract or purchase commits a Level 6 felony, unless all of the contracts and purchases for the 12 months prior was \$250.00 or less or a Uniform Conflict of Interest Disclosure Statement is accepted by the Town Council and filed accordingly, pursuant to I.C. § 35-44.1-1-4. If a Town employee or elected or appointed official has any other type of a conflict of interest in regards to a contract or purchase, it shall be disclosed to the Town Council.