

## **Information about Purchasing Documentation to be included in the Transparency Portal**

### **Background**

The City's Code of Ethics (Section 43.02) includes provisions for the City of Muncie Transparency Portal intended to make ethics-related documents and information readily accessible to the public. Section 43.02(B)(8) identifies public documents related to purchasing that are to be included in the Transparency Portal:

Public documents related to purchases of \$5,000 or more by the City of Muncie or any of its boards, commissions, or other dependent bodies, including but not limited to:

- Executed contracts,
- Requests for bid,
- Invitations to quote, and
- Documents received from potential suppliers presenting their final bid, proposal, or quote in response to a request for bids, request of proposals, or invitation to quote.

The methods for executing purchases of goods and services by the City of Muncie are governed by Chapter 38 of the City's Code of Ordinances ("Public Purchasing"), I.C. 5-22 ("Public Purchasing"), and I.C. 36-1-12 ("Public Works Projects"). Certain purchases by the City are also governed by federal purchasing requirements.

### **Purchasing Methods and Documentation**

Although the specific method used for any particular purchase depends on the nature and value of the purchase, there appear to be four main methods that are used for purchases above \$5,000:

- Obtaining prices from three suppliers
- Request for quotes
- Competitive bidding
- Requests for proposals

Table 1 lists the documentation that should be provided for the Transparency Portal for each purchase of \$5,000 or more, according to the purchasing method that was used to execute the purchase. The list of documents requested in each case is based on a reading of the relevant section of the city or state code. It is the intent of the ordinance to make documents available to the public that are already generated in the course of purchasing goods and services.

In some situations, state code may allow the use of special purchasing methods other than the four listed above. In these cases, the documents listed for typical purchasing methods can provide a guide as to the documents that would be responsive to the requirements of the ordinance. The intent of the ordinance is to make available:

- Documents that were used to communicate requirements to potential suppliers,
- Prices and other information provided by potential suppliers and used by the City to make the purchasing decision,
- The supplier that was chosen and any information required to justify selecting other than the low-price supplier, if required, and
- The contract executed with the successful supplier, if any.

## **Providing the Documents for the Transparency Portal**

The City Clerk's office maintains the Ethics Commission page on the City website, including the Transparency Portal. Documents to be posted to the Portal will be provided to them. They will likely have preferences about how the documents are sent.

The Code of Ethics took effect after it was signed by the mayor in December. Documentation for purchases that occurred after December 31, 2024 need to be provided for the Portal. It will likely be more convenient for the departments providing the documents and the City Clerk's staff posting the documents if the backlog is cleared over some reasonable time. Departments may find it helpful to first prioritize providing documents related to larger purchases made via competitive bidding, followed by those made via invitations to quote. The smaller purchases made by obtaining prices can come last. Once the backlog of documents is cleared, then the Clerk's office may prefer regular updates.

**Table 1: Transparency Portal Documents by Purchasing Method**

<p>Method: <b>Obtaining Prices from Three Suppliers</b></p> <p>Authority: Sec. 38.06(C) Value: \$5,000 to \$20,000</p> <p>Documents for Transparency Portal:</p> <ul style="list-style-type: none"><li>• Description of items purchased;</li><li>• Name, address, and phone number of each supplier who provided a price;</li><li>• The price provided by each supplier;</li><li>• The supplier chosen and the reason for the choice, if the supplier did not provide the lowest price.</li></ul>
<p>Method: <b>Invitation to Quote</b></p> <p>Authority: Sec. 38.06(D) (for non-public works purchases) Value: Greater than \$20,000 to \$150,000</p> <p>Authority: I.C. 36-1-12-5 (for public works purchases) Value: Less than \$50,000</p> <p>Documents for Transparency Portal:</p> <ul style="list-style-type: none"><li>• Copy of invitation to quote;</li><li>• List of suppliers invited to quote;</li><li>• Copies of all quotes received;</li><li>• Copy of contract executed with selected supplier.</li></ul>
<p>Method: <b>Competitive Bidding</b></p> <p>Authority: Sec 38.05 (for non-public works projects) Value: Greater than \$150,000</p> <p>Authority: I.C. 36-1-12-4 (for public works projects) Value: \$150,000 or more</p> <p>Documents for Transparency Portal:</p> <ul style="list-style-type: none"><li>• Copy of public notice and/or invitation to bid;</li><li>• Copy of plans and specifications, if applicable;</li><li>• Copies of all bids received;</li><li>• Copy of contract executed with the selected bidder;</li><li>• Copy of justification for selecting other than lowest bidder, if applicable;</li><li>• Written determination supporting an permitted change to bid requirements, if applicable.</li></ul>
<p>Method: <b>Request for Proposals</b></p> <p>Authority: I.C. 5-22-9 Value: Not stated</p> <p>Documents for Transparency Portal:</p> <ul style="list-style-type: none"><li>• Copy of the request for proposals.</li><li>• A list of all persons to whom copies of the request for proposals was given.</li><li>• A list of all proposals received, which must include all of the following:<ul style="list-style-type: none"><li>○ The names and addresses of all offerors.</li><li>○ The dollar amount of each offer.</li><li>○ The name of the successful offeror and the dollar amount of that offeror's offer.</li></ul></li><li>• The basis on which the award was made.</li><li>• The entire contents of the contract file except for proprietary information included with an offer, such as trade secrets, manufacturing processes, and financial information that was not required to be made available for public inspection by the terms of the request for proposals.</li></ul>