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**ADMINISTRATIVE CODE**

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**[HISTORY: Adopted by the City Council of the City of Dover 12-14-77.\* Certain sections amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I (1983); ARTICLE IV Boards, Commissions and Committees removed and created Chapter 5 see Ch. 1, General Provisions (2013); Other amendments noted where applicable.]**

GENERAL REFERENCES - Conservation Commission -- Ch. 14. Licensing Board -- Ch. 35. Planning Board -- Ch. 41.

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\* Editor's Note: Provisions of this chapter are derived from Ch. 5 of the former Code, adopted 12-14-77.

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**ARTICLE I  
GENERAL PROVISIONS**

**3-1. Legislative Authority.**

This Administrative Code is established in accordance with the provisions of RSA 49-C:21. The Administrative Code may be amended from time to time pursuant to the provisions of RSA 49-C:21.

Should any section or provision of the Administrative Code be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Administrative Code as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**3-2. Departments.**

The administrative service of the City shall consist of the following departments, and the department heads shall be known by the titles shown: [Amended 12-19-90 by Ord. No. 20-90; Amended 07-01-92 by Ord. No. 19-92; Amended 05-18-94 by Ord. No. A05-94; Amended 12-21-2005 by Ord. No. 20-2005; Generally Revised in 2010]

<b>Department</b>	<b>Department Head</b>
Executive	City Manager
Planning and Community Development	Director of Planning and Community Development
Community Services	Director of Community Services
Finance	Finance Director
Fire & Rescue	Fire Chief
Public Library	Director of Public Library
Police	Police Chief
Recreation	Director of Recreation
Public Welfare	Director of Public Welfare

**3-3. Powers and Duties of Department Heads.** [Amended 02-21-90 by Ord. No. 1-90]

- A. Department heads shall be responsible for the courteous and efficient operation of their department. They shall perform all the duties and exercise all the powers conferred upon their office by applicable laws, ordinances and resolutions.

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- B. Department heads may prescribe departmental rules and regulations not inconsistent with general law, the City Charter, this Administrative Code, and the provisions of the Merit Plan for the administration of their various departments, conduct of the employees and the proper performance of the department's business.
- C. Department heads may, with the approval of the City Manager, establish such departmental divisions and subunits as may be deemed desirable in the interest of economy and efficiency and in accordance with sound administrative principles and practices.
- D. Department heads shall be responsible for the operation of their department in a courteous and friendly manner and in cooperation with all other City departments in order to best serve the residents of Dover.
- E. Department heads shall be responsible for satisfactory maintenance and care of all City property and buildings assigned into their department.
- F. Department heads shall be responsible for preparing and submitting both routine and special reports on the operation of their department to the City Manager or to any state or federal agency as required.
- G. At such time as may be requested by the City Manager, department heads shall submit an itemized estimate of the expenditures for the next fiscal year for their department for use in preparation of the proposed budget for said year.
- H. Department heads shall be responsible for following the provisions of this Administrative Code establishing a purchasing and control system with respect to purchases and contracts for their department.

### **3-4. Appointment of Department Heads; Compensation.**

- A. All department heads shall be appointed, as provided by the City Charter, for indefinite terms, on the basis of merit and fitness to perform their duties and may be removed by the City Manager for misconduct or inefficiency as provided for in the City Charter, Merit Plan and state statute.
- B. The compensation of all department heads shall be fixed by the City Council through the Merit Plan.

### **3-5. Department Staff.**

- A. Department heads may establish subordinate positions and make appointments and removals as may be necessary, within the limitations of the appropriations provided and subject to the provisions of the City Charter, the Merit Plan and the approval of the City Manager.

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- B. All employees shall be under the immediate supervision of their respective department heads, and all employees in the administrative service shall be compensated on the basis of a uniform pay plan.

### **3-6. Administrative Office Hours.** [Added 9-22-82 by Ord. No. 17-82; Amended 08-27-86 by Ord. No. 13-86; Amended 03-19-97 by Ord. No. 06-97; Amended 04-08-98 by Ord. No. 04-98.]

- A. All Administrative Offices of the City of Dover whether located in City Hall or elsewhere in the City, shall be open at least 40 hours per week at times which are convenient for the conduct of business by the citizens of Dover and others wishing to do business with the City.
- B. The specific hours of operation shall be established by the City Council by resolution, with the advice of the City Manager.

### **3-7. Authority and Functions of the City Manager.**

- A. Pursuant to section C5-5 of the City Charter, the City Manager shall have the following authority and shall perform the following functions:
  - (1) The City Manager shall be the administrative head of the City and shall perform all the duties and have all the responsibilities prescribed by the City Charter, by ordinance, resolution and state law.
  - (2) The City Manager shall supervise the heads of all departments established by this Code and shall have the power to suspend and discipline, and to perform or delegate duties and responsibilities to the department heads.
  - (3) The City Manager may prescribe such rules and regulations not inconsistent with the City Charter and City ordinances as he or she may deem necessary for the conduct of the various departments, and he or she may investigate and inquire into the affairs of any department at any time.

## **ARTICLE II**

### **MUNICIPAL DEPARTMENTS**

#### **3-8. Executive Department.** [Amended 12-19-90 by Ord. No. 20-90; Amended 05-18-94 by Ord. No. A05-94; Amended 12-21-2005 by Ord. No. 20-2005]

There shall be an Executive Department, under the direct supervision of the City Manager, who shall be responsible for human resources, legal, economic development and information systems functions and who shall administer the functions of the department with appropriate supervisory, clerical and labor staff.

The duties of the Executive Department shall include but are not limited to:

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**A. Human Resource Functions: [Amended 12-13-89 by Ord. No. 26-89; Amended 09-28-94 by Ord. No. 16-94; Amended 12-21-2005 by Ord. No. 20-2005; Amended 07-17-91 by Ord. No. 27-91]**

- (1) Establish and operate a merit system of personnel administration, including a uniform classification and compensation plan, as prescribed by section C7-2 of the City Charter.
- (2) Prepare and maintain all personnel records and systems and work to insure compliance with all applicable federal and state laws.
- (3) Establish and operate a risk management and safety program for all City employees.

**B. Legal Functions:**

- (1) Represent the City in all matters in which the City has an interest coming before any court, tribunal, quasi-judicial or legislative body, except in such cases as other arrangements may be specifically made by the City Manager and/or City Council.
- (2) Advise the City Manager, Mayor, City Council and department heads in all cases when a legal opinion is required, in writing, insofar as practicable.
- (3) Draft all deeds, leases, contracts, ordinances, and such other legal instruments as required on behalf of the City.
- (4) Examine and approve all deeds, leases and other legal instruments tendered by the City prior to their acceptance.
- (5) Call to the attention of the City Manager or City Council all matters of law affecting the City.
- (6) Render legal counsel and service in person or by nominee as may be related to this office, upon direction of the City Manager.

**C. Economic Development Functions: [Added 05-18-94 by Ord. No. A05-94]**

- (1) Coordinate and direct a program for the promotion of the development of industry and business in the City of Dover.
- (2) Provide encouragement and assistance to new businesses and industries seeking to move to the City of Dover and work to promote and provide support for the retention of existing businesses and industries within the City.

**D. Information Systems Functions: [Added 12-21-2005 by Ord. No. 20-2005]**

- (1) Maintain close coordination with department heads to establish information technology requirements.

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- (2) Establish information technology procedures.
- (3) Provide advice on feasibility of desired information technology products.
- (4) Perform system analysis and design, establish and monitor information networks, write computer software, test and debug computer software and complete system documentation.
- (5) Prepare and administer the “DoverNet” budget.
- (6) Maintain the technical reference library.

### **3-9. Finance Department.**

There shall be a Finance Department, under the direct supervision of a Finance Director, who shall be responsible for accounting, purchasing, tax collection, treasurer, assessment, water/sewer billing, audit, City clerk services, elections and budget functions and who shall administer the functions of the department with appropriate supervisory, clerical and labor staff.

The Finance Director, Treasurer, City Clerk/Tax Collector, Deputy Tax Collector, Deputy City Clerk and such other officers and employees within the Finance Department handling and responsible for City moneys shall be bonded in such amounts as required by law and prudent fiscal management.

The duties of the Finance Department shall include but are not limited to:

**A. City Clerk Functions: [Added 05-18-94 by Ord. No. A05-94]**

- (1) Prepare, maintain, publish and index all proceedings of the City Council.
- (2) Arrange for all elections, maintain all election records and have custody of all property used in connection therewith.
- (3) Obtain and maintain all statistics on births, marriages and deaths as required by law.
- (4) Maintain a list of names, contact information and the expiration of terms of all members of boards and commissions.
- (5) File and preserve all contracts, bonds, oaths of office and other documents as required by law.
- (6) Issue licenses and permits as required by law.
- (7) Collect fees and receipts from all City departments and deposit these collections with the City Treasurer.
- (8) Maintain custody of the official City Seal.

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- (9) Promptly notify the City Manager and board chairpersons of City Council actions of concern to the board members, department heads and/or employees under their jurisdiction.
- (10) Keep the official Dover Code Book of the City up to date and maintain a record of all amendments thereto.

### B. Accounting, Purchasing, Water & Sewer Billing, Audit Services Functions:

- (1) Preaudit and approve all purchases.
- (2) Approve all authorized claims against the City before authorizing payment.
- (3) Post audit all receipts and disbursements.
- (4) Maintain the financial accounts of the City and exercise accounting control over them.
- (5) Prepare financial reports as required by the City Manager.
- (6) Negotiate loans and borrowing moneys upon the authorization of the City Council and City Manager.
- (7) Maintain custody of all insurance policies.
- (8) Countersign all checks and drafts of the City.
- (9) Maintain employee personnel action records and sick-leave records.

### C. Treasurer Functions:

- (1) Have all the statutory powers and perform all the statutory duties of City or town treasurers.
- (2) Have custody of all City funds, investments and securities, including the deposit, withdrawal and recording thereof, as required by law.
- (3) Keep records of the trust funds and invest them as permitted by law.
- (4) Carry out the duties of treasurers of municipal corporations as set forth in RSA Chapter 33, Municipal Finance Act, and any amendments thereto, relating to bonds, notes and records thereof, and all other statutory requirements of City or town treasurers.
- (5) Sign all checks, drafts, notes and bonds of the City.

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- (6) Deposit all public moneys daily in the depositories designated by the City Council.
- (7) Deposit all moneys received from parking meters in a separate account, which money shall be used exclusively for the purposes provided by law.
- (8) Maintain a register of all bonds and notes of the City, as required by law.
- (9) Maintain all City employee earning records, including records of all deductions from earnings for retirement, social security, applicable insurance, United States savings bonds and any other purposes.

### D. Tax Collection Functions:

- (1) Have all the statutory powers and perform all statutory duties of City or town tax collectors.
- (2) Mail out all tax notices.
- (3) Collect all accounts due the City, including taxes, rentals, water and sewer charges, resident taxes, licenses and fees, unless otherwise provided.
- (4) Maintain accurate records pertaining to the collection function.
- (5) Turn over daily to the City Treasurer all moneys received and record and account for all moneys on the date received.
- (6) Collect fees for the registration of motor vehicles as required by law.
- (7) Conduct all tax sales of property and executive tax collector's deeds in accordance with applicable law.

### E. Assessment Functions:

- (1) Have all the statutory powers and perform all statutory duties of City assessors.
- (2) Carry out the duties relative to taking the inventory and the appraisal for taxation and to the assessment and abatement of taxes and issuing warrants for the collection of taxes as required by law.
- (3) Prepare all assessments, tax rolls and tax notices.
- (4) Check all property transfers and maintain all property records.
- (5) Prepare and maintain up-to-date tax maps, assessment records, cards and all other necessary records.
- (6) Assure that all taxable property is being accurately reported.

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### F. Purchasing Functions:

- (1) Receive all requests for supplies, materials, service and equipment from the various departments.
- (2) Advertise all items to be purchased by competitive bids as required by law and the Charter.
- (3) Receive and tabulate bids, make recommendations and award bids and contracts.
- (4) Develop and distribute the proper forms to effectuate centralized purchasing.
- (5) Advise department heads on methods of standardizing purchases and utilizing quantity prices.
- (6) Follow the purchasing procedure as set forth by the Charter and ordinance.

### **3-10. Fire and Rescue Department.** [Amended 12-21-2005 by Ord. No. 20-2005]

There shall be a Fire & Rescue Department, under the direct supervision of a Fire Chief, who shall be responsible for fire and emergency medical services, emergency management and inspection functions and who shall administer the functions of the department with appropriate supervisory, clerical and labor staff. The Fire Chief shall have all the powers conferred upon fire wardens by law. The Fire Chief shall be the emergency management director with all duties and powers associated with the position pursuant to state law. [Amended 2-21-90 by Ord. No. 1-90]

The duties of the Fire and Rescue Department shall include but are not limited to:

#### A. Fire, Emergency Medical Services and Emergency Management Functions: [Amended 10-25-78 by Ord. No. 23-78]

- (1) Extinguish fires and endeavor to protect life and property against fires.
- (2) Provide emergency and non-emergency medical aid and transportation to local hospitals.
- (3) Plan, organize and direct matters related to emergency management and preparedness for natural and man-made disasters.
- (4) Prepare and maintain all Fire Department records as required.
- (5) Mitigate minor hazardous materials leaks and spills and coordinate the response to major hazardous material incidents.

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- (6) Educate the public on matters related to fire and life safety along with self-preparedness for natural and man-made disasters.
- (7) Care for and maintain all property and equipment assigned to the Fire & Rescue Department.
- (8) Issue fire permits as necessary and appropriate.
- (9) Plan and carry out a training program of instruction for all regular and call fire & rescue personnel.
- (10) Cooperate with surrounding communities through mutual aid programs so that additional firefighting and emergency medical personnel and equipment may be made available when needed.

**B. Inspection Functions: [Added 10-25-78 by Ord. No. 21-78; Amended 09-28-94 by Ord. No. 16-94]**

- (1) Enforce the building, electrical, plumbing and health codes of the City of Dover (see Ch. 170, Zoning; Ch. 68 Building Construction; and Ch. 120, Electrical Standards; and Ch. 135, Plumbing; respectively). [Amended 07-17-91 by Ord. No. 25-91]
- (2) Enforce all state laws and adopted codes, except as otherwise provided by law, relating to the construction, equipment, alteration, and condition of buildings within the City.
- (3) Review plans and specifications of proposed buildings and issue building permits as necessary and appropriate.
- (4) Maintain a file of all applications for building permits and provide copies for tax assessment purposes.
- (5) Inspect every structure upon which work is being done, where a permit is required, as often as necessary and appropriate given the nature and terms of the permit.
- (6) Investigate complaints regarding matters affecting public health.
- (7) Prepare and maintain all necessary records required by law.
- (8) Procure, study, analyze and report data concerning public health.
- (9) Investigate complaints or issues regarding private water supplies and septic tanks.
- (10) Investigate communicable diseases, sanitary hazards and enforce sanitary laws.
- (11) Issue burial permits.

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(12) Inspect restaurants, cafes, other eating places and vendors of food as required by law.

(13) Issue licenses and perform any other functions required by law.

**3-11. Public Welfare Department.** [Amended 12-13-89 by Ord. No. 26-89; Amended 09-28-94 by Ord. No. 16-94; Amended 12-21-2005 by Ord. No. 20-2005]

There shall be a Public Welfare Department, under the direct supervision of a Director of Public Welfare, who shall be responsible for providing public welfare and benefit functions and who shall administer the functions of the department with appropriate supervisory, clerical and labor staff.

A. The duties of the Public Welfare Department shall include but are not limited to:  
[Amended 07-17-91 by Ord. No. 27-91]

- (1) Plan, budget, report on and control the City welfare program.
- (2) Investigate all requests for relief and authorize such relief aid as may be deemed necessary.
- (3) Exercise all powers and perform all duties conferred or imposed by law upon overseers of the poor.
- (4) Keep full and accurate records of the persons fully supported and the travelers and vagrants lodged at the expense of the City, together with the amount paid by them for such support and relief, and make such reports as required by law.
- (5) Administer and coordinate all grants and subsidies as may be established or awarded by the City of Dover for the purpose of supporting and promoting the maintenance and development of social service agencies which provide direct support and services to the people of Dover.

**3-12. Reserved. (formerly Legal Department.)**

**3-13. Public Library Department.**

There shall be a Public Library Department, under the direct supervision of a Director of Public Library, who shall be responsible for providing library service functions and who shall administer the functions of the department with appropriate supervisory, clerical and labor staff.

A. The duties of the Public Library Department shall include but are not limited to:

- (1) Select and procure books, magazines, periodicals and other printed, imaged or electronic material for use by library patrons.

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- (2) Catalog and classify all printed, imaged and electronic material stored in the public library and available for use.
- (3) Circulate printed, imaged and electronic material designated for loan and/or authorized online access.
- (4) Provide a reference service for answering requests for specific information.
- (5) Distribute printed materials by the establishment and maintenance of branch libraries, when such are approved by the City Manager and City Council.
- (6) Promote the availability of the library material to stimulate a wider general interest in its use.
- (7) Promote special reading services for children and young people to aid in development of desirable reading habits.
- (8) Maintain and care for all property assigned to the library.
- (9) Prepare and maintain all records pertaining to the Public Library Department.

### **B. Depository and reference library. [Added 10-27-82 by Ord. No. 21-82]**

- (1) The Dover Public Library is hereby designated as a depository and reference library for City documents hereinafter identified. The head of each City department and division, board, commission and committee shall promptly send or deliver to the Public Library, as soon as printed or otherwise reproduced at the expense of the City, one (1) copy of each special study, consultant report, newsletter, brochure or other document intended for public distribution. Such reports shall be preserved for the use of the City Council, City officials and employees and the general public.
- (2) Any department, division, board, commission or committee which concludes that compliance with the requirements of this subsection shall produce a hardship may request exemption from the City Manager.
- (3) Nothing in this subsection shall be construed to conflict with the duties of the City Clerk as set forth in the New Hampshire Statutes or elsewhere in these City ordinances.

### **3-14. Community Services Department. [Amended 05-18-94 by Ord. No. A05-94; Amended 12-21-2005 by Ord. No. 20-2005]**

There shall be a Community Services Department, under the direct supervision of a Director of Community Services, who shall be responsible for providing engineering, public works, utilities, facilities and grounds, environmental, solid waste and recycling, and fleet maintenance functions, and who shall administer the functions of the department with

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appropriate supervisory, clerical and labor staff. The Community Services Director, or designee, shall be the tree warden and road agent pursuant to state law.

The duties of the Community Services Department shall include but are not limited to:

- A. Plan, coordinate and perform maintenance and upkeep of all City-owned properties with the exception of facilities not otherwise maintained under the care and responsibility of specific departments including public schools, grounds and facilities.
- B. Plan, coordinate and perform construction, maintenance and repair of all City roads, streets, bridges, drains and sidewalks.
- C. Plan, coordinate and perform construction and operation of the City's public water supply and sewer system.
- D. Plan, coordinate and perform general engineering and engineering inspection services as may be required for the design, layout and mapping of all municipal construction projects.
- E. Review plans and specifications of proposed site developments, public utility connections and issue permits when appropriate.
- F. Maintain a file of all applications for permits.
- G. Investigate complaints and inspect site developments and related infrastructure construction for compliance with approved plans and enforcement of related code requirements.
- H. Plan, coordinate and operate City's residential solid waste, recycling and environmental hazard mitigation programs.
- I. Investigate complaints and enforce local ordinances relating to proper disposal of solid waste and environmental matters.
- J. Maintain and repair City vehicle fleet and mobile equipment.

### **3-15. Recreation Department.** [Added 12-21-2005 by Ord. No. 20-2005]

There shall be a Recreation Department, under the direct supervision of a Director of Recreation, who shall be responsible for recreational programming and who shall administer the functions of the department with appropriate supervisory, clerical and labor staff

- A. The duties of the Recreation Department shall include but are not limited to:
  - (1) Develop a general recreational program for the City.

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- (2) Operate the recreational activities on all City parks, playgrounds, swimming pools, tennis courts and all other recreation facilities, including buildings, if any.
- (3) Prepare and maintain all records pertaining to the Recreation Department.
- (4) Engage private groups, public officials, and other City Departments in the development and promotion of recreational activities in the City.
- (5) Perform other duties as may be required.

**3-16. Reserved. (formerly Personnel Department.)** [Repealed 05-18-94 by Ord. No. A05-94]

**3-17. Reserved. (formerly Physician.)**

**3-18. Planning and Community Development Department.** [Amended 12-13-89 by Ord. No. 26-89; Amended 07-17-91 by Ord. No. 25-91]

There shall be a Planning and Community Development Department, under the direct supervision of a Director, who shall be responsible for planning and community development functions, and who shall administer the functions of the department with appropriate supervisory, clerical and labor staff.

- A. The duties of the Planning and Community Development Department shall include but are not limited to:
- (1) Advise the Planning Board and the Zoning Board of Adjustment.
  - (2) Investigate, study, report and recommend on all matters relating to land use, zoning, traffic, parking, highways, public facilities, population, urban renewal, subdivisions, parks, playgrounds and other related phases of City planning.
  - (3) Revise the Zoning Map as changes are made therein by City ordinance.
  - (4) Develop and implement the various elements of a general comprehensive plan to be used as a guide for the development of the City.
  - (5) Perform all research work that might be assigned by the City Manager.
  - (6) Investigate, study and report on all matters relating to construction and use of municipal structures and buildings as necessary and appropriate.

**3-19. Reserved. (formerly Plumbing Inspection Department.)**

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**3-20. Police Department.**

There shall be a Police Department, under the direct supervision of a Police Chief, who shall be responsible for law enforcement and public parking functions, and who shall administer the functions of the department with appropriate supervisory, clerical and labor staff. The Police Chief shall have all powers conferred by state law. [Amended 02-21-90 by Ord. No. 1-90]

A. The duties of the Police Department shall include but are not limited to:

- (1) Enforce the laws and ordinances of the State of New Hampshire and the City of Dover.
- (2) Endeavor to prevent crime, maintain peace and order, and protect lives and property from malicious damage and injury.
- (3) Operate, maintain and care for all City parking meters.
- (4) Maintain and care for all property assigned to the Police Department.
- (5) Prosecute all violations of the law within its jurisdiction as necessary and appropriate.
- (6) Prepare and maintain all necessary records pertaining to the Police Department.

**3-21. Reserved. (formerly Public Works Department.)** [Repealed 05-18-94 by Ord. No. A05-94]

**3-22. Reserved. (formerly Records Department.)** [Repealed 05-18-94 by Ord. No. A05-94]

**3-23. Reserved. (formerly Resident Engineering Department.)**

**3-24. Reserved. (formerly Welfare Department.)**

**ARTICLE III**

**PURCHASING PROCEDURE**

[Amended 02-13-80 by Ord. No. 2-80; Amended 04-01-92 by Ord. No. 08-92]

**3-25. Title.**

This Article shall be known as the "City Purchasing Code" and may be cited as such.

**3-26. Definitions.**

For the purposes of this Article, the following terms, phrases, words and their derivations shall have the following meanings:

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**MOST ADVANTAGEOUS TO THE CITY** - The lowest responsible and responsive bid taking into consideration the price, the quality of the commodity or service and the service reputation and experience of the bidder.

**COMPETITIVE BIDDING** - The formal process involving sealed written bids as a means of achieving the bid most advantageous to the City for the goods and services desired by the City.

**EMERGENCY PURCHASE** - A purchase occasioned by a potential threat to public health, safety or to property.

**PURCHASE ORDER** - The document used to accomplish the purchase of goods and/or services.

**GOODS AND SERVICES** - The complete array of purchases of the City, including but not limited to; supplies, commodities, equipment, construction materials and labor, consulting services, and training.

**GROUP PURCHASE** - A purchase made by the Purchasing Agent by combining two (2) or more departmental requisitions in one (1) purchase order.

**INFORMAL BID(S)** – Quotation(s) obtained from the vendor(s) in writing or by oral communication.

**LIST OF APPROVED VENDORS** – The list of vendors who have qualified to bid on City purchases.

**PURCHASE AMOUNT** - The total cost of goods or service including all determinable associated costs, e.g. construction, engineering, delivery, setup and training. Where the purchase consists of small frequent charges, the aggregate twelve (12) month cost of goods or services shall be used to determine the amount of a purchase and the applicability of the specific sections of the Purchasing Code.

**SEALED FORMAL BID** - Quotation from a vendor that is submitted in a sealed envelope.

**SPECIFICATIONS** - The quantity and qualitative standards set by department heads as a guide to the Purchasing Agent and as a measure of quality that successful vendors must achieve. Specifications shall not unnecessarily restrict purchases as to trade name or eliminate bids being submitted on items that have the same specifications without a specific trade name.

### **3-27. Purpose.**

The purpose of this Article shall be to standardize the purchasing procedures of the City, thereby increasing savings and protection of the taxpayer's money, to set forth the duties and responsibilities of the department heads in order to foster interdepartmental cooperation and trust with the office of the Purchasing Agent, and to assign all responsibility for purchasing to the Purchasing Agent.

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**3-28. Applicability of Article and Compliance with Charter.**

This Article shall apply to all purchases for all departments and agencies of the City pursuant to C6-16 of the Dover City Charter.

**3-29. Use of Credit Cards.**

Credit cards issued by the City may be used for the purchase of goods and services pursuant to administrative regulations on the use of credit cards.

**3-30. Authority of the Purchasing Agent.**

The Purchasing Agent is authorized to purchase goods and/or services for the use of one or more departments. All requests for goods and services shall be made to the Purchasing Agent by the department heads, or their designees.

The Purchasing Agent shall maintain a list of approved vendors.

**3-31. Appropriations for purchases.**

No purchases shall be made until such time as the Council has approved the necessary appropriation, or in the case of federal or state grants to the City, the grant award has been received. The Purchasing Agent shall verify the availability of funds to be used for a purchase greater than one thousand dollars (\$1,000.00) prior to issuance of a purchase order. The Finance Director shall certify the availability of funds of all purchases approved by the City Council prior to their vote.

**3-32. Requisitions; Forms.**

All goods and services in an amount greater than one thousand dollars (\$1,000.00) shall be requisitioned by department heads to the Purchasing Agent on a prescribed requisition form to be provided by the Finance Department.

**3-33. Small Purchases (less than \$1,000.00).**

- A. Small Purchases of less than one thousand dollars (\$1,000.00) may be executed by informal, direct purchasing by the head of a department, or designee, on forms provided by the Purchasing Agent.
- B. A copy of the purchase order shall be turned in to the Purchasing Agent within seven (7) days of the purchase.
- C. The Purchasing Division copy of the Purchase Order shall always be turned in to the Purchasing Division within twenty-four (24) hours of the time the purchase is made.
- D. Small Purchases shall not be used if it is known or estimated, based on historic experience, that the aggregate twelve (12) month total cost of said purchases may exceed one thousand dollars (\$1,000.00). [Amended 03-19-99 by Ord. No. 01-99]

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- E. Department heads should take the appropriate steps to attain the best pricing practical when using Purchase Orders.
- F. Informal bidding may be employed by the Purchasing Agent when requested by a department head.

### **3-34. Emergency Purchases.**

Emergency Purchase orders may be executed for emergency purchases not exceeding five thousand dollars (\$5,000.00). A copy of the Emergency Purchase Order and report shall be sent to the Purchasing Agent within seven (7) days of the Emergency Purchase. The Purchasing Agent shall report the Emergency Purchase Order to the Finance Director and the City Manager.

### **3-35. Quote Purchases (\$1,000.00 to less than \$10,000.00).** [Amended 03-19-99 by Ord. No. 01-99]

- A. The Purchasing Agent shall conduct bidding for Quote Purchases of one thousand dollars (\$1,000.00) to nine thousand nine hundred ninety-nine dollars and ninety-nine cents (\$9,999.99). Quote bidding shall consist of a minimum of three quotes whenever possible. [Amended 03-19-99 by Ord. No. 01-99]
- B. Verbal or oral quotes shall be required for Quote Purchases from one thousand dollars (\$1,000.00) to four thousand nine hundred ninety-nine dollars and ninety-nine cents (\$4,999.99).
- C. Written quotes from vendors are required for Quote Purchases from five thousand dollars (\$5,000.00) to nine thousand nine hundred ninety-nine dollars and ninety-nine cents (\$9,999.99).
- D. Oral, verbal and written quotes shall be solicited by telephone, direct mail, direct conversation or by electronic means.

### **3-36. Competitive Bidding Purchases (\$10,000.00 or more); Waiver.** [Amended 03-19-99 by Ord. No. 01-99]

- A. The Purchasing Agent shall advertise and conduct Competitive Bidding for purchases of goods and services of ten thousand dollars (\$10,000.00) or more.
- B. Competitive Bidding may be waived by a majority vote of the City Council.

### **3-37. Exemptions to Competitive Bidding.**

Competitive Bidding shall not apply to the following:

- A. Emergency Purchases: The City Manager may waive the competitive bidding procedures when there exists an emergency as determined by the City Manager. All attempts shall be made to obtain the most competitive price within the time available. The City Manager

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shall report all such emergency purchases to the City Council at their next regular meeting.

- B. Purchases made through the State of New Hampshire, other governmental agencies, or cooperative buying groups: The Purchasing Agent may, with approval by the City Manager, waive bidding procedures when purchasing can be accomplished through the State of New Hampshire or at State bid prices, other governmental agencies or cooperative buying groups.
- C. Change orders: The Purchasing Agent is authorized to issue change purchase orders for changes in scope or quantity of an existing purchase. Changes orders for a vendor may be permitted up to the limits of the available appropriation when the services are within the original scope of services. A change order may also be issued up to a cumulative amount of twenty-five thousand dollars (\$25,000.00) without further City Council approval.
- D. Requests for proposals (RFP): The Purchasing Agent may solicit competitive proposals if he/she determines that compiling detailed technical specifications is not feasible or advantageous. Solicitation and award of RFPs is subject to other provisions of the Purchasing Ordinance.
- E. Regional purchasing: The Purchasing Agent may participate in solicitations to bid conducted by the City of Dover or another City or town where the goal is to bid for goods and services for more than one City, town or other government entity subject to other provisions of the Purchasing Ordinance.
- F. Sole Source purchases where the proposed purchase is manufactured or provided by only one entity.
- G. Purchases under extensions of contracts when the same or lower price is extended for another year or part of a year.
- H. Purchases under intergovernmental agreements or contracts which require use of procurement procedures consistent with the provisions of this section.
- I. Expert consulting for litigation.

### **3-38. Reporting.**

The Purchasing Agent shall report exceptions to the bidding and award requirements to the City Manager.

All purchases of goods and services of five thousand dollars (\$5,000.00) or more shall be reported to the City Council by the City Manager on a monthly basis following said purchases.

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### **3-39. Exemptions to Bidding and Approval Requirements.**

Payments and purchases exempt from the bidding and City Council approval requirements due to their nature or other statutory provisions include:

- A. Utility consumption costs including electrical, natural gas, water and sewer.
- B. Telecommunication charges.
- C. Advertising.
- D. Postage.
- E. Federal, state and local taxes.
- F. Court judgments.
- G. Workers Compensation claims.
- H. Debt service payments.
- I. Police special investigative costs where disclosure may jeopardize an investigation.

### **3-40. Approval of purchases by the City Council.**

All purchases of goods and services of twenty-five thousand dollars (\$25,000.00) or more shall be approved or rejected by majority vote of the City Council prior to the awarding of such purchases. The City Manager is authorized to sign a contract containing the terms and conditions of the bid award. The amount of the authorization shall be limited so as not to exceed available funding. [Amended 03-19-99 by Ord. No. 01-99; Amended 05-21-2003 by Ord. No. 08-2003]

### **3-41. Competitive bidding procedure.**

The procedure for competitive bidding is established as follows:

- A. Competitive Bidding shall be initiated by the Purchasing Agent with a notice of solicitations for bidding sent to vendors and/or by advertising. The notice shall contain Specifications as to quantity and quality, date and time for the closing of bids, the date and time for opening bids, and other details regarding the bidding process. All solicitations shall note that all purchases are subject to the conditions set forth in the City Purchasing Code.
- B. The Purchasing Agent shall solicit at least three (3) vendors when available on every purchase requiring Competitive Bidding unless exempted by the provisions of this ordinance. Bids shall be awarded to the vendor whose bid is the most advantageous to the City of Dover. In the event less than three (3) bids are received, the City Purchasing Agent may award the purchase on the basis of the bid most advantageous to the City of those submitted, or, may order a re-bidding.

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- C. Technical specifications for bids shall state information as broadly as practicable, yet shall be specific enough to describe the requirements of the purchase. Non-technical specifications for bids shall state the quality required in general terms.
- D. Sealed Formal Bids shall be submitted by qualified vendors before the bidding deadline, but may be withdrawn by any bidder before the deadline. After the bidding deadline the Purchasing Agent shall receive no further bids, and no bidder shall withdraw a bid. The City shall have custody of all bids submitted pursuant to this Purchasing Code.
- E. In accordance with RSA 447:16, the Purchasing Agent shall require security from vendors for construction projects estimated to be in excess of thirty-five thousand dollars (\$35,000.00). The elements of a purchase to be secured include, but are not limited to, the following:
  - (1) A Bid Bond to secure the bid price plus an additional ten percent (10%) of the bid price from the time of bid opening until signing of the contract, in case of default by the bidder.
  - (2) A Performance Bond in the amount of one hundred percent (100%) of the contract price to insure compliance with and completion of the contract.
  - (3) A Labor and Materials Bond in the amount of one hundred percent (100%) of the contract price to insure payment to suppliers and subcontractors by the contractor.
  - (4) The form of the security shall be prescribed by the Purchasing Agent and may consist, but is not limited to, bonds issued by surety companies licensed within the United States, certified checks and irrevocable letters of credit at banks acceptable to the City. The Purchasing Agent may waive the bond requirements on a case-by-case basis with the approval of the City Manager. The Purchasing Agent may include security requirements for projects less than thirty-five thousand dollars (\$35,000.00) and in other types of purchases where doing so is advantageous to the City with the approval of the City Manager.
- F. In each and every case where bids are presented to the City Council for award, information presented to the City Council shall include solicitation information and bid amounts.
- G. The Purchasing Agent shall open bids, read them in public, inspect them and process for award. In determining the bid most advantageous to the City, the Purchasing Agent shall, whenever possible, analyze the bids so that the bids are compared on an equitable basis as determined in the sole discretion of the Purchasing Agent.
- H. The competitive bid procedure may be waived by a majority vote of the City Council.

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### **3-42. Rebidding.**

The Purchasing Agent is authorized to rebid any or all items that have been noticed for bidding where less than three (3) bids have been received, or where no bid most advantageous to the City has been received as determined by the Purchasing Agent.

### **3-43. Contract Processing.**

The City Manager is designated as the contracting officer of the City. Execution of a contract or contract change order accompanying a purchase order or purchase change order greater than one thousand dollars (\$1,000.00) shall occur only after the contract has been reviewed as to form by legal counsel and funding confirmed by the Finance Director or designee. Purchases involving contracts are subject to all other provisions of the Purchasing Ordinance.

### **3-44. Conditions of Purchase.**

All purchases made by the City shall be subject to the following conditions:

- A. All purchases shall be awarded on the basis of the bid most advantageous to the City.
- B. All purchases shall be subject to the reservation of the right by the City to accept or reject any or all bids.
- C. In the event of a tie for low bid for equally qualified bidders where one bid is not considered most advantageous over another, preference for award shall be given to any bidder who is located within Dover.
- D. When an award of purchase shall be recommended to other than the low bidder, the Purchasing Agent shall submit such recommendation to the City Manager for approval or disapproval. Should the City Manager reject such recommendation, the award shall be made to the bid most advantageous to the City, unless all bids are rejected.

### **3-45. Duties of Department Heads.**

All department heads shall:

- A. Determine acceptable quality of good and supplies to be purchased.
- B. Cooperate with the Purchasing Agent in establishing lists of approved specifications and vendors.
- C. Share knowledge of special factors which will implement a policy designed to enable the City to minimize cost and maximize quality.
- D. Supply the Purchasing Agent with a list of estimated annual requirements of frequently used supplies, thereby fostering group purchasing.

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- E. Prepare requisitions with a view toward group purchasing and keep corresponding records to facilitate debiting on City financial records.
- F. Be empowered to reject any good or service on grounds of high cost or low quality, and provide the Purchasing Agent with a detailed written report explaining the reasons for such rejection.
- G. Report to the Purchasing Agent obsolete and excess fixed assets, including:
  - (1) Items beyond use.
  - (2) Items being replaced or to be replaced.
  - (3) Items no longer of use to the departmental operation.
- H. Foster regular purchasing procedures to minimize direct purchases.

### **3-46. Exchange for Goods and Services.**

Any transfer of City assets, waiving or abatement of fees, or performance of City services in exchange for goods and services to be received by the City shall be deemed a purchase and shall be subject to the provisions of the Purchasing Code as determined by the fair market value of the City assets, fees, and/or services being exchanged.

### **3-47. Major Construction Projects; Prequalification of Bidders.**

In the case of contracts for the construction, reconstruction, alteration, repair, or refurbishing of real property where the estimated cost of the project is in excess of one hundred thousand dollars (\$100,000.00), a determination of the responsibility of interested contractors may precede the issuance of invitations to bid. Invitations to bid shall be issued only to firms who have, in the Purchasing Agent's sole determination, been pre-qualified.

The pre-qualification process shall include the following:

- A. The ability, capacity, and skill of the bidder to perform the contract or provide the service required.
- B. Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference.
- C. The character, integrity, reputation, judgment, experience, efficiency of the bidder.
- D. The quality of performance of previous contracts or services.
- E. The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service.

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- F. The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service.
- G. The quality, availability, and adaptability of the supplies or contractual services to the particular use required.
- H. The ability of the bidder to provide future maintenance and service for the use of the subject of the contract.
- I. The number and scope of conditions attached to the bid.
- J. The amount of total direct and indirect costs which would accrue to the City on account of the bid.
- K. Any other special considerations not contrary to the law.

### **3-48. Negotiations After Bidding.**

The Purchasing Agent shall reserve the right to reject any and all bids together with the right to negotiate with the bidder submitting the bid most advantageous to the City for a lower price.

### **3-49. Professional Services.**

In the purchase of accounting, architectural, auditing, engineering, legal and medical services and purchases of independent professional consultant services for personnel, data processing, insurance, actuarial, planning, management, and other comparable purchases the following procedures may be followed:

- A. An invitation shall be developed which will include a description of the scope of services and desired result and which shall request qualifications and an expression of interest.
- B. The invitation shall be given adequate public notice by posting in two public places, and by publication in a newspaper of general circulation.
- C. Depending on the scope of the project, up to six applicants shall be selected to submit formal proposals.
- D. The Purchasing Agent shall develop a request for proposals, including terms, conditions, and other requirements and identifying the purpose of the work, the result desired, the specific work components the consultant is expected to perform, and the responsibilities of the applicant and the City.
- E. Proposals shall be evaluated and selection made on the basis of demonstrated competence and qualification for the services required at a fair and reasonable price. In

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addition to price, and where applicable to a particular project, the following factors shall be used in awarding the contract:

- (1) Specific experience with similar projects.
- (2) Specific experience with earlier phases of the same project.
- (3) Background and experience of staff members who would be assigned to the job.
- (4) Availability.
- (5) Locality of the firm.
- (6) Ability to communicate ideas.
- (7) Ability to supply all of the major disciplines necessary to perform the work.
- (8) Qualifications of subcontractors.
- (9) Conceptual designs.
- (10) Accuracy of the firm in estimated time and cost requirements.
- (11) Interviews may be a part of the selection process.
- (12) On award, all contracts for professional services shall be formalized in a written agreement signed by the applicant and the City Manager.

### **3-50. Bid Protests**

- A. Any actual or prospective bidder who is aggrieved in connection with the solicitation or award of a bid or contract may protest and seek resolution of complaints with the Purchasing Agent. A protest with respect to an invitation for bids or request for proposals shall be submitted in writing prior to the time for the opening of bids on the closing day for proposals, unless the aggrieved person did not know and should not have known of the facts giving rise to such protest prior to bid opening or the closing date for proposal. In that event, the protest shall be submitted within three (3) calendar days after the aggrieved person knows or should have known of the facts giving rise thereto.
- B. If a satisfactory resolution of the protest is not achieved by submitting a complaint with the Purchasing Agent, the person submitting the protest shall submit a written appeal to the City Manager within three (3) calendar days of a decision by the Purchasing Agent.

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- C. Purchasing procedures shall be stayed pending a decision of the City Manager unless the City Manager decides that the award of a contract is necessary to protect substantial interests of the City.

### **3-51. Environmental Concerns, Required Language.**

Solicitations utilized by the City or any agency thereof for the purpose of soliciting bids, proposals, price quotations, or providing instructions to bidders shall contain the following language: “The City of Dover supports the concept of purchasing products that are biodegradable, can be or have been recycled, or are environmentally sound. Due consideration will be given to the purchase of such products. If you are bidding on any such products which qualify, please so indicate in a cover sheet by item number and description.”

### **3-52. Conflicts of interest.**

No employee, officer, agent of the City shall participate in the award or administration of a contract in which he or she, or any member of his or her immediate family has an interest. No such employee, officer, or agent shall participate in the award or administration of a contract with any person, firm, partnership, or corporation in which he or she or any member of his or her immediate family is an officer or employee or is about to become an officer or employee.

### **3-53. Pecuniary Benefit.**

No employee, officer, or agent of the City who is participating or is about to participate in the award or administration of a contract shall either solicit or accept any pecuniary benefit from any firm, person, partnership, or corporation involved in such contract. For the purpose of this section, the definition of “pecuniary benefit” shall mean any advantage in the form of money, property, commercial interest, or anything else, the primary significance of which is economic gain.

### **3-54. Public Access to Procurement Information.**

Procurement information shall be a governmental record to the extent provided in New Hampshire RSA 91-A:4 and RSA 91-A:5 and shall be available to the public. Proprietary information shall be considered a governmental record.

### **3-55. Savings Provision.**

Nothing in this Purchasing Code is intended to invalidate or in any way limit the term of any contract or special service agreement lawfully made prior to the effective date of this subchapter.