

ORDINANCE NO. 2025-05

AN EMERGENCY ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF COYLE, OKLAHOMA, PROVIDING FOR THE ADOPTION OF CHAPTER 6: FINANCE AND BUSINESS OF TOWN, ARTICLE 2, FINANCE AND BUDGET ADMINISTRATION; PROVIDING FOR THE ESTABLISHMENT OF STANDARDS AND REQUIREMENTS OF TOWN OFFICIALS AND EMPLOYEES REGARDING INTERNAL CONTROLS OVER THE RESOURCES AND EXPENDITURES OF THE TOWN AND OTHER RELATED ENTITIES; REPEALER; SAVINGS; SEVERABILITY; CODIFICATION AND DECLARING AN EMERGENCY.

EMERGENCY ORDINANCE

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF COYLE, OKLAHOMA

Section I: That the Coyle Municipal Code is hereby amended by the addition of a new Chapter 6, ARTICLE 2 and to read as follows:

CHAPTER 6: FINANCE AND BUSINESS OF TOWN

ARTICLE 2

FINANCE AND BUDGET ADMINISTRATION

DIVISION 1

GENERAL PROVISIONS

SECTION 6-201 DEPOSITORIES DESIGNATED; FUNDS TO BE DEPOSITED

SECTION 6-202 FUNDS SECURED BY UNIT COLLATERAL SYSTEM

SECTION 6-203 CERTAIN OFFICER AND EMPLOYEES PROHIBITED FROM
CONDUCTING CERTAIN BUSINESS WITH MUNICIPALITY-
VIOLATIONS

SECTION 6-204 PETTY CASH

SECTION 6-205 INTERNAL CONTROL ORDINANCE

SECTION 6-206 STATEMENT OF NON-COLLUSION

SECTION 6-207 PAYROLL DISBURSEMENTS

SECTION 6-208 PURCHASES OF GOODS AND SERVICES (OTHER THAN PAYROLL
AND PAYROLL RELATED)

SECTION 6-209 INTERFUND TRANSFERS

SECTION 6-209A DEBT SERVICE

SECTION 6-209B FINANCIAL REPORTING

SECTION 6-209C APPLICABILITY TO PUBLIC TRUSTS

SECTION 6-209D SIGNING OF CHECKS, WARRANTS AND OTHER LEGAL
INSTRUMENTS

SECTION 6-209E COMPETITIVE BIDDING

DIVISION 2

COMPETITIVE BIDDING

SECTION 6-210	DEFINITIONS
SECTION 6-211	OKLAHOMA PUBLIC COMPETITIVE BIDDING ACT
SECTION 6-212	ENCUMBRANCE OF FUNDS
SECTION 6-213	EMERGENCY PURCHASES
SECTION 6-214	SALES; BOARD TO DECLARE SURPLUS OR OBSOLETE; DISPOSAL AS DIRECTED BY THE TOWN BOARD OF TRUSTEES

CHAPTER 6: FINANCE AND BUSINESS OF TOWN

ARTICLE 2

FINANCE AND BUDGET ADMINISTRATION

DIVISION 1

General Provisions

SECTION 6-201 DEPOSITORIES DESIGNATED; FUNDS TO BE DEPOSITED.

All banks which are incorporated under federal or state law, and other institutions approved by the mayor and Board, may be designated as depositories for the funds of the town. The town treasurer shall deposit daily all public funds received by him/her in such banks.

State Law Reference: Deposits by treasurers, designation of depositories; 11 O.S. Section 12-110.

SECTION 9-202 FUNDS SECURED BY UNIT COLLATERAL SYSTEM.

The deposits of the town shall be secured by the Unit Collateral System provided by the Oklahoma Statutes.

State Law Reference: Unit Collateral System, 62 O.S. Sections 516.1 et seq.

SECTION 6-203 CERTAIN OFFICER AND EMPLOYEES PROHIBITED FROM CONDUCTING CERTAIN BUSINESS WITH MUNICIPALITY-VIOLATIONS.

A. Except as otherwise provided by this section, no municipal officer or employee, or any business in which said officer, employee, or spouse of the officer or employee has a proprietary interest, shall engage in:

1. Selling, buying, or leasing property, real or personal, to or from the municipality;
2. Contracting with the municipality; or
3. Buying or bartering for or otherwise engaging in any manner in the acquisition of any bonds, warrants, or other evidence of indebtedness of the municipality.

B. For purposes of this section, "employee" means any person

who is employed by a municipality more than ten (10) hours in a week for more than thirteen (13) consecutive weeks and who enters in to, recommends or participates in the decision to enter into any transaction described in subsection A of this section. Provided that any person who receives wages, reimbursement for expenses, or emoluments of any kind from a municipality, any spouse of such person, or any business in which such person or spouse has a proprietary interest shall not buy or otherwise become interested in the transfer of any surplus property of a municipality or a public trust of which the municipality is beneficiary unless such surplus property is offered for sale to the public after notice of the sale is published. For purposes of this section, "proprietary interest" means ownership of more than twenty-five percent (25%) of the business or of the stock therein or any percentage which constitutes a controlling interest but shall not include any such interest held by a blind trust.

C. Any person convicted of violating the provisions of this section shall be guilty of an offense. Any transaction entered into in violation of the provisions of this section is void. Any member of a governing body who approves any transaction in violation of the provisions of this section shall be held personally liable for the amount of said transaction.

D. The provisions of this section shall not apply to any officer or employee who has a proprietary interest in a business which is the only business of that type within ten (10) miles of the corporate limits of the municipality. However, any activities permitted by this subsection shall not exceed Five Hundred Dollars (\$500.00) for any single activity and shall not exceed Ten Thousand Dollars (\$10,000.00) for all activities in any calendar year.

SECTION 6-204 PETTY CASH

A. General Rules

1. As provided for in Title 11 O.S., Section 17-102(D), the Town may have petty cash amounts for use in making certain small payments for costs incurred in operating the Town.

2. Each petty cash amount established shall require governing body approval, including the imprest amount of the petty cash amount. However, in no case should the imprest balance exceed \$250.00.

3. The petty cash amount shall be reimbursed by utilizing properly itemized invoices in the manner used for payment of

purchases of goods and services. However, in no case shall an individual payment from petty cash exceed \$50.00.

SECTION 6-205 INTERNAL CONTROL ORDINANCE.

A. All officers and employees having authority to purchase or contract against all budget appropriation accounts as authorized by law shall submit all purchase order requests over \$500.00 and all contracts prior to the time the commitment is made, to the town clerk-treasurer, who shall, if there be an unencumbered balance in the appropriation made for that purpose, so certify in the following form:

I hereby certify that the amount of this encumbrance has been entered against the designated appropriation accounts and that this encumbrance is within the authorized available balance of said appropriation.

Dated this _____ day of _____, 20__.

Clerk of the Town of Coyle _____

Provided, in instances where it is impossible to ascertain the exact amount of expenditures to be made at the time of recording the encumbrance,

an estimated amount may be used and the encumbrance made in like manner as set forth above. Provided, no purchase order or contract shall be valid unless signed or approved by 2/3 vote of the Board as evidenced by meeting minutes and certified as above set forth by clerk charged with keeping the appropriation and expenditure records. The clerk shall retain and file one copy of the purchase order and evidence of approval.

B. After satisfactory delivery of the merchandise or completion of the contract, the supplier shall deliver an invoice. Such invoice shall state the supplier's name and address and must be sufficiently itemized to clearly describe each item purchased, its unit price, where applicable, the number or volume of each item purchased, its total price, the total of the purchase and the date of the purchase. The Town Clerk shall attach the itemized invoice together with delivery tickets, freight tickets or other supporting information to the original of the purchase order and, after approving and signing said original copy of the purchase order shall generate the payment by check. All prepared checks along with invoices submitted with supporting documentation shall be examined by the Board of Trustees to determine their legality. The Board of

Trustees shall approve such invoices for payment in the amount the Board determines just and correct as evidenced by two authorized Board of Trustees signatures on the check.

C. Debit Card purchases shall be approved prior to the purchase per Subsection A. above, with the exception of goods/services/fuel purchased under the monthly Blanket Purchase orders previously approved by 2/3 of the Board of Trustees. A monthly listing of the purchases made under the Blanket Purchase Orders shall be made by the Town Clerk to the Board at the monthly recurring Board Meetings along with supporting documents, such as, invoices and evidence of receipt of the goods/services purchased. For Debit Card purchases not covered by the Monthly Blanket Purchase Orders, such as goods/services/fuel in excess of the monthly blanket purchase orders or consumable supplies, a monthly listing of the Debit Card usage will be reported to Board of Trustees at the monthly recurring Board Meetings, along with supporting approval and documentation as noted in Subsection A. above. The total of both lists and recurring contractual payments should be noted and agreed to the total Debit Card usage as reported on the respective monthly bank statement.

D. In addition to the authority provided hereinabove, Two authorized bank signatories are hereby authorized to sign all municipal checks or authorize the use of the Debit Card and to approve payments of invoices without prior Board approval, including but not limited to those times necessary to avoid late payment penalties, provide for payment of C.O.D.'s, emergency purchases to take advantage of discounts, to attend and bid at private or public auctions, or pursuant to any provision in any contract which has heretofore been approved by the Board of Trustees. Except for emergency purchases, no payments made pursuant to this section shall exceed the expenditure classification of the respective department as approved in the current budget. Such payments shall be placed on the next regularly scheduled Board meeting under the category of Prepaid Invoices or Payments for 2/3 Board approval.

SECTION 6-206 STATEMENT OF NONCOLLUSION.

A. Except as provided in subsection B of this section, on every invoice submitted to the town for payment to an architect, contractor, engineer or supplier of material of Twenty-five Thousand Dollars (\$25,000.00) or more shall be the following signed and notarized statement:

STATE OF OKLAHOMA)
) ss
COUNTY OF LOGAN)

The undersigned (architect, contractor, supplier or engineer), of lawful age, being first duly sworn, on oath says that this

invoice or claim is true and correct. Affiant further states that the (work, services or materials) as shown by this invoice or claim have been (completed or supplied) in accordance with the plans, specifications, orders or requests furnished the affiant. Affiant further states that (s)he has made no payment directly or indirectly to any elected official, officer or employee of the State of Oklahoma, any county or local subdivision of the state, of money or any other thing of value to obtain payment of the invoice or procure the contract or purchase order pursuant to which an invoice is required.

(Contractor, supplier, engineer or architect)

Subscribed and sworn to before me this _day of_, 20_.

Notary Public (or Clerk or Judge)

B. Any municipality executing a contract with any architect, contractor, supplier or engineer for work, services or materials which are needed on a continual basis from such architect, contractor, supplier or engineer under the terms of such contract, may require that the architect, contractor, supplier or engineer complete a signed and notarized affidavit in substantial form as provided by subsection A of this section which shall apply to all work, services or materials completed or supplied under the terms of the contract and shall be in lieu of all individual affidavits for each invoice submitted in relation to such contract as required

in subsection A of this section.

SECTION 6-207 PAYROLL DISBURSEMENTS

A. For all employees and officers of the Town of Coyle, a documented record shall be maintained in a personnel file of the authorized rate of pay or salary for each employee and officer.

B. For each pay period, a record of time worked shall be prepared in the form of time sheets or logs for each hourly employee to be paid. Such record of time worked shall be verified as to its accuracy in writing by the employee and Town clerk- treasurer. Trustees pay is governed by SECTION 2-306 EXPENSES FOR MAYOR AND TRUSTEES. The Mayor (President of the Town Board) shall be paid \$75.00 per month and the Trustees shall be paid \$25.00 per month. The trustees shall be paid for all reasonable out-of-pocket expenses incurred during the performance of their duties.

C. Upon verification of the work record, a payroll register including the amount of gross pay, authorized deductions, and the net pay shall be prepared by the assigned payroll processor.

D. The net payroll checks or direct deposit payments shall be prepared for the payroll register, Note: checks for payment of related payroll taxes are prepared by the outsourced payroll tax system, and other payroll benefits required by law or contract are generated through accounts payable.

E. The payroll register shall be provided to the governing body for informational purposes at the next regular meeting; however, governing body approval is not required prior to payment of payroll relating costs if incurred and paid in accordance with the provisions above.

SECTION 6-208 PURCHASES OF GOODS AND SERVICES (OTHER THAN PAYROLL AND PAYROLL RELATED). (Covered in SECTION 6-205 INTERNAL CONTROLS)

SECTION 6-209 INTERFUND TRANSFERS

1. All transfers between funds shall be made in accordance with governing body appropriations as reflected in the original or amended Town budget.

2. Once lawfully appropriated, interfund transfer payments may be made by an authorized bank account signatory without further governing body approval in the manner used for payment of purchases

of goods and services.

SECTION 6-209A DEBT SERVICE

1. All long-term indebtedness in the form of bonds, notes, or lease purchase obligations shall be incurred in the manner provided by law.

2. Once lawfully incurred, the Town clerk-treasurer shall prepare the payment of principal and interest on the debt in accordance with the terms specified by the lender without further approval of the governing body.

3. The manner of payment shall be consistent with the manner used for payment of goods and services.

4. Current balances on outstanding debt shall be maintained by the Town clerk-treasurer in the appropriate journals.

SECTION 6-209B FINANCIAL REPORTING

1. The Town clerk-treasurer shall prepare written monthly financial reports which disclose at least all receipts and expenditures by fund in the same format as the approved budget and showing the variance of the budget.

2. The financial reports shall be placed on the agenda for acknowledgment by the governing body at each regular meeting.

SECTION 6-209C APPLICABILITY TO PUBLIC TRUSTS

1. For all public trusts created pursuant to Title 60 O.S., Sections 176-180, for which the Town is beneficiary and for which the trust's board of trustees is comprised entirely of the member of the Town's board of trustees, all sections of this division shall apply.

2. For the purposes of public trusts as defined above, the Town clerk-treasurer shall mean the Trust Secretary as defined by the trust indenture.

SECTION 6-209D SIGNING OF CHECKS, WARRANTS AND OTHER LEGAL INSTRUMENTS.

Notwithstanding any provisions to the contrary, two approved bank account signatories shall sign all checks, warrants and other

legal instruments incurring financial liability for the Town of Coyle.

SECTION 6-209E COMPETITIVE BIDDING.

1. The Town of Coyle shall adhere to the provisions of the Title 61, Sections 101 et. seq., of the Oklahoma Statutes as amended, also known as the Public Competitive Bidding Act of 1974, when determining when competitive bidding is required and the manner in which competitive bids will be obtained.

2. If the Coyle Town Code provides for additional competitive bidding requirements, such additional requirements shall be met.

3. In addition to the requirement provided in subsection 1, public trusts created pursuant to Title 60, Sections 176 et. seq., of the Oklahoma Statutes as amended, of which the Town of Coyle is beneficiary, shall also follow the competitive bidding requirements of Section 176(g).

DIVISION 2

COMPETITIVE BIDDING

SECTION 6-210 DEFINITIONS.

For the purposes of this Division, the following terms, phrases, words and their derivations shall have the meaning given herein:

1. "Town" means this town and means the town government in all its forms, including not only the town departments but also any agency, the board of trustees, or other persons or entities acting for or on behalf of the town.

2. "Emergency" means the conditions resulting from a sudden unexpected happening or unforeseen occurrence or a condition and situation wherein the public health or safety is in endangered;

3. "Personal property" for purpose of this Division shall include but not be limited to:

(A) Portable, or otherwise moveable, buildings and structures;

(B) Prefabricated metal buildings and structures, along

with necessary utility services for such buildings or structures;

- (C) Roofs placed over existing roof structures; provided, lease purchase of retrofit metal roofs shall be awarded by competitive bids and the Town shall comply with the Act where the total payment of principal and interest provided by the lease-purchase contract are anticipated to exceed Twenty-five Thousand Dollars; and
- (D) Other structures that can be disassembled after installation and removed without permanent damage to existing property.

4. "Public construction contract" or "contract" for purposes of Section 6-211 and the Public Competitive Bidding Act of 1974, as amended (hereinafter the "Act"), shall mean any contract, exceeding One Hundred Thousand Dollars (\$100,000.00) in amount, or any construction management trade contract or subcontract exceeding Fifty Thousand Dollars (\$50,000.00) in amount, awarded by the Town or any of its public trust authorities for the purpose of making any public improvements or constructing any public building or making repairs to or performing maintenance onto same, except where the improvements or buildings leased to a person or other legal entity exclusively for private and not for public use and no public tax revenues shall be expended on or for the contract unless the public tax revenues used for the project are authorized by a majority vote of the applicable public agency voting at an election held for that purpose and the public tax revenues do not exceed twenty-five percent (25%) of the total project cost. The amount of public tax dollars committed to the project will not exceed a fixed amount established by resolution of the governing body prior to or concurrent with approval of the project;

5. "Public improvement" means any beneficial or valuable change or addition, betterment, enhancement, or amelioration of or upon any real property, or interest therein, belonging to a public agency, intended to enhance its value, beauty or utility or adapt it to new or future purposes. The term does not include the direct purchases of materials, equipment or supplies, or any personal property, including property defined by paragraphs 1 and 4 of Section 430.1 of Title 62 of the Oklahoma Statutes, as amended.

Section 6-211 OKLAHOMA PUBLIC COMPETITIVE BIDDING ACT.

A. Unless otherwise provided by law, all public construction contracts exceeding One Hundred Thousand Dollars (\$100,000.00) or any construction management trade contract or subcontract, as

defined by Title 61, Section 102.5 of the Oklahoma Statutes as amended, exceeding Fifty Thousand Dollars (\$50,000.00), shall be let and awarded to the lowest responsible bidder, by free and open competitive bidding after solicitation for sealed bids, in accordance with the terms of the Public Competitive Bidding Act of 1974, 61 Okla. Stat. 101, et seq. or as hereafter amended by the State Legislature. No work shall be commenced until a written contract is executed and all required bonds and insurance have been provided by the contractor to the town.

B. Notwithstanding subsection A of this section, in awarding public construction contracts exceeding One Hundred Thousand Dollars (\$100,000.00) or construction management trade contracts or subcontracts exceeding Fifty Thousand Dollars (\$50,000.00), the Town and its public trust authorities may provide for a local bid preference of not more than five percent (5%) of the bid price if the awarding public agency determines that there is an economic benefit to the local area or economy. Provided, however, the local bidder or contractor must agree to perform the contract for the same price and terms as the bid proposed by the nonlocal bidder or contractor. Any bid preference granted hereunder must be in accordance with an established policy adopted by the governing body of the awarding public agency to clearly demonstrate the economic benefit to the local area or economy. Provided, further, no local bid preference shall be granted unless the local bidding entity is the second lowest qualified bid on the contract. The bid specifications shall clearly state that the bid is subject to a local bidder preference law. For purposes of this section, "local bid" means the bidding person is authorized to transact business in this state and maintains a bona fide establishment for transacting such business within this state. This provision does not apply to any construction contract for which federal funds are available for expenditure when its provisions may be in conflict with federal law or regulation.

1. Other construction contracts for the purpose of making any public improvements or constructing any public building or making repairs to the same for One Hundred Thousand Dollars (\$100,000.00) or less shall be let and awarded to the lowest responsible bidder by receipt of written bids or awarded on the basis of competitive quotes to the lowest responsible qualified contractor as provided in this subsection. In providing for such written bids, the Town clerk-treasurer may solicit bids from qualified bidders after posting a notice at town hall for at least three (3) days preceding the last day set for the receipt of bids or by causing the notice inviting bids to be published in the local newspaper of the town, at least once, three (3) days preceding the last day set for the receipt of proposals. The notice required herein, shall include a general description of

the services required and shall state where bid blanks and specifications may be secured, and the time and place for opening bids. Work may be commenced in accordance with these purchasing policies of the Town.

2. Public construction contracts for less Ten Thousand Dollars (\$10,000.00) may be negotiated with a qualified contractor and work commenced in accordance with the purchasing policies of the Town.

3. The Town or its public authorities shall not let or award a public construction contract exceeding One Hundred Thousand Dollars (\$100,000.00) or a construction management trade contract or subcontract exceeding Fifty Thousand Dollars (\$50,000.00) to any contractor affiliated with a purchasing cooperative unless the purchasing cooperative and the contractor have complied with all of the provisions of the Public Competitive Bidding Act of 1974, including but not limited to open competitive bidding after solicitation for sealed bids. The Town or its public authorities shall not let or award a public construction contract exceeding Ten Thousand Dollars (\$10,000.00) up to One Hundred Thousand Dollars (\$100,000.00) to any contractor affiliated with a purchasing cooperative unless the purchasing cooperative and the contractor have complied with all of the provisions of the Public Competitive Bidding Act of 1974, including submission of a written bid upon notice of competitive bidding.

4. A purchasing cooperative and its affiliated contractors shall not be allowed to bid on any public construction contract exceeding One Hundred Thousand Dollars (\$100,000.00) or any construction management trade contract or subcontract exceeding Fifty Thousand Dollars (\$50,000.00) unless the purchasing cooperative and its affiliated contractors have complied with all of the provisions of the Public Competitive Bidding Act of 1974, including but not limited to open competitive bidding after solicitation for sealed bids. A purchasing cooperative and its affiliated contractors shall not be allowed to bid on any public construction contract exceeding Five Thousand Dollars (\$5,000.00) unless the purchasing cooperative and its affiliated contractors have complied with all of the provisions of the Public Competitive Bidding Act of 1974, including submission of a written bid upon notice of open competitive bidding.

C. For public construction contracts exceeding One Hundred Thousand Dollars (\$100,000.00) or any construction management trade contract or subcontract exceeding Fifty Thousand Dollars (\$50,000.00), Department heads or third-party contractors shall prepare bid specifications along with requisitions and submit same to the Board of Trustees for their approval.

D. The Town clerk-treasurer will develop a bidder's list. Bid solicitations will be made equally and uniformly known to all prospective bidders and the public:

1. For public construction contracts exceeding One Hundred Thousand Dollars (\$100,000.00) or any construction management trade contract or subcontract exceeding Fifty Thousand Dollars (\$50,000.00), notice will be mailed twenty (20) days prior to the bid opening date to prospective bidders who have made known, in writing, to the using agency their interest in bidding within twelve months immediately preceding the date of opening the bids;

2. For public construction contracts exceeding One Hundred Thousand Dollars (\$100,000.00) or any construction management trade contract or subcontract exceeding Fifty Thousand Dollars (\$50,000.00), notice will be published in two (2) consecutive issues of a newspaper of general circulation twenty (20) days prior to the bid opening date; and

3. For public construction contracts exceeding One Hundred Thousand Dollars (\$100,000.00) or any construction management trade contract or subcontract exceeding Fifty Thousand Dollars (\$50,000.00), notice will be sent to trade or construction publications when the estimated cost exceeds Fifty Thousand Dollars (\$50,000.00).

E. Reserved.

F. A bidder on a public construction contract exceeding One Hundred Thousand Dollars (\$100,000.00) or any construction management trade contract or subcontract exceeding Fifty Thousand Dollars (\$50,000.00), will accompany the bid with:

1. A certified or cashier's check or bid bond or irrevocable letter of credit in an amount equal to five percent (5%) of the bid, which shall be deposited with the Town as a guaranty; or

2. An irrevocable letter of credit containing terms the Department of Central Services prescribes, issued by a financial institution insured by the Federal Deposit Insurance Corporation for the benefit of the state, on behalf of the awarding public agency, in an amount equal to five percent (5%) of the bid. The Town shall deposit the irrevocable letter or credit with the Department of Central Service.

The cost of republication of the notice to bidders, actual

expenses incurred by reason of the bidder's default and the difference between the low bid of the defaulting bidder and the amount of the bid of the bidder to whom the contract is subsequently awarded, but not to exceed the amount of the certified check, bid bond or irrevocable letter of credit may, at the discretion of the Town, be forfeited to the Town in the event the apparently successful bidders fails to execute the contract or fails to provide the required bonds or irrevocable letters of credit and insurance to the Town.

The cost of republication of the notice to bidders, actual expenses incurred by reason of the bidder's default and the difference between the low bid of the defaulting bidder and the amount of the bid of the bidder to whom the contract is subsequently awarded, but not to exceed the amount of the certified check, bid bond or irrevocable letter of credit may, at the discretion of the Town, be forfeited to the Town in the event the apparently successful bidders fails to execute the contract or fails to provide the required bonds or irrevocable letters of credit and insurance to the Town.

G. A non-collusion affidavit and a business relationship affidavit shall also accompany bidder proposals.

H. Any bid received by the Town or an officer and employee thereof, more than ninety-six (96) hours, excluding Saturdays, Sundays and holidays, before the time set for the opening of the bids, or any bid so received after the time set for opening of the bids, shall not be considered by the Town and shall be returned unopened to the bidder submitting the same.

I. All bids shall be sealed and opened only at the time and place mentioned in the bid Section and read aloud in the presence of an administrative officer of the Town. Such bid openings shall be open to the public and to all bidders.

J. Except as otherwise provided by law, within such period of time, not to exceed sixty (60) days, as shall be specified in the bid notice by the Town, a contract embodying the terms set forth in the bidding documents shall be executed by the Town and the successful bidder. No bidder shall obtain any property rights in a contract awarded under the provisions of the Public Competitive Bidding Act of 1974 until the contract has been fully executed by both the bidder and the Town.

K. Bonds, irrevocable letters of credit and insurance as provided by Section 113 of Title 61 of the Oklahoma Statutes, shall

be provided by the successful bidder to the Town.

L. If an award is made to other than the lowest bidder, the Town shall accompany its action with a publicized statement setting forth the reason for its action. Such statement shall be placed on file, open to public inspection and be a matter of public record.

M. All invoices submitted for work performed shall be accompanied by a sworn certification by the architect or engineer that the work has been completed in accordance with specifications.

N. The Board of Trustees by a majority vote may reject any and all bids and rebid the project if the public interest would be better served.

O. If no timely bid is received on any public construction contract not exceeding One Hundred Thousand Dollars (\$100,000.00) or any construction management trade contract or subcontract exceeding Fifty Thousand Dollars (\$50,000.00), the Board of Trustees may direct the Mayor to negotiate a contract with the prospective bidder. The amount of the contract which may be awarded by the governing body pursuant to this Section shall not exceed One Hundred Thousand Dollars (\$100,000.00) or any construction management trade contract or subcontract exceeding Fifty Thousand Dollars (\$50,000.00), and the work to be performed shall be as specified in the initial bidding documents. The contract shall be executed within six (6) months after the date initially set for opening of bids. The contract and contract procedure shall conform to all the other applicable provisions of the Public Competitive Bidding Act of 1974.

P. Nothing herein shall be construed so as to prevent the Town or the courts from exonerating the bidder and other parties to the bid security document from liability upon a timely showing that the bidder committed what the courts have determined under the common law to be an excisable bidding error and for that reason it would not be equitable to enforce the bid security.

Q. Change Orders.

1. Change orders or addenda to public construction contracts of One Million Dollars (\$1,000,000.00) or less shall not exceed a fifteen percent (15%) cumulative increase in the original contract amount.

2. Change orders or addend to public construction contracts of over One Million Dollars (\$1,000,000.00) shall not exceed the greater of One Hundred Fifty Thousand Dollars (\$150,000.00) or a ten percent

(10%) cumulative increase in the original contract amount.

3. Change orders or cumulative change orders which exceed the limits of Subsection Q1 and Q2 of this Section shall require a re-advertising for bids on the incomplete portions of the contract.

4. If a construction contract contains unit pricing, and the change order pertains to the unit price, the change order will not be subject to Subsection Q1 and Q2 of this Section.

5. When the unit price change does not exceed Ten Thousand Dollars (\$10,000.00), the unit price change order computation may be based on an acceptable unit price basis in lieu of the following cost itemization, which shall be performed as follows in all other incidents.

Such change orders shall contain a unit price and a total for each of the following items:

- a. All materials with cost per item;
- b. Itemization of all labor with number of hours per operation and cost per hour;
- c. Itemization of all equipment with the type of equipment, number of each type, cost per hour for each type, and number of hours of actual operation for each type;
- d. Itemization of insurance cost, bond cost, social security, taxes, workers; compensation, employee fringe benefits and overhead cost;
- e. Profit for the contractor.

SECTION 6-212 ENCUMBRANCE OF FUNDS.

Except in cases of emergency, the agent shall not issue any order for delivery on a contract or purchase order until the town clerk-treasurer shall have certified that there is to the credit of the using agency concerned sufficient unencumbered appropriation balance in excess of all unpaid obligations, to defray the amount of such order.

Section 6-213 EMERGENCY PURCHASES

The provisions of this Division with reference to notice and bids shall not apply to an emergency if:

1. The Board of Trustees declares by a two-thirds (2/3) majority vote of all of its members that an emergency exists; or

Note: Under 25 O.S. 304 (5) "Emergency meeting" means any meeting called for the purpose of dealing with an emergency. For purposes of the Oklahoma Open Meeting Act, an emergency is defined as a situation involving injury to persons or injury and damage to public or personal property or immediate financial loss when the time requirements for the public notice of a special meeting would make such procedure impractical and increase the likelihood of injury or damage or immediate financial loss;

Under 25 O.S. 311 (A.13.) In the event of an emergency, an emergency meeting of a public body may be held without public notice heretofore required. Should an emergency meeting of a public be necessary, the person calling such a meeting shall give as much advance public notice as is reasonable and possible under the circumstances existing, in person or by telephonic or electronic means, and; or

2. The Mayor, without a governing body, declares that an emergency exists; provided however, the Mayor's authority to declare an emergency whereby the provisions in reference to notice and bids shall not apply is limited to contracts less than One Hundred and Fifty

Thousand Dollars (\$150,000.00) in amount. The Mayor shall notify the Board of Trustees within ten (10) days of the declaration of an emergency if the Board of Trustees did not approve the emergency. The notification shall contain a statement of the reasons for the action and shall be recorded in the official minutes of the Board of Trustees. For purpose of this section, the term "Emergency" shall be limited to conditions resulting from a sudden unexpected happening or unforeseen occurrence or condition whereby the public health or safety is endangered. The Mayor shall report an emergency within ten (10) days of the emergency declaration and include the official minutes of the Board of Trustees, to the State Construction Administrator of the Construction and Properties Division of the Office of Management and Enterprise Services.

SECTION 6-214 SALES; BOARD OF TRUSTEES TO DECLARE SURPLUS OR
OBSOLETE; COMPETITIVE BIDDING.

No surplus or obsolete supplies, materials or equipment may be sold until the board of trustees shall have declared same obsolete or surplus. Before the board of trustees sells any surplus or obsolete supplies, materials or equipment, they shall give notice in such manner as they deem necessary to adequately reach prospective buyers to give them an opportunity to make bids. All bids shall be sealed and shall be opened in public at a designated time and place, except when the sale is by auction. The board of trustees may repeatedly reject all bids and advertise or give notice again. They may sell such supplies, materials or equipment only to the highest responsible bidder for cash. In case of a tie, they may sell to either of the bidders tying, or may divide the sale among two or more tying, always selling to the highest responsible bidder or bidders for cash.

Section II. REPEALER. All ordinances or parts thereof which are inconsistent with this ordinance are hereby repealed.

Section III. SAVINGS CLAUSE. Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired, or liability incurred nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired, or affected by this ordinance.

Section IV. SEVERABILITY. If any one or more of the sections, sentences, clauses or parts of this ordinance, chapter or section shall for any reason be held invalid, the invalidity of such section, clause or part shall not affect or prejudice in any way the applicability and validity of any other provision of this ordinance. It is hereby declared to be the intention of the Board of Trustees of the Town of Coyle that is section of the Coyle Municipal Code would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

Section V. CODIFICATION. This ordinance shall be codified as part of the Coyle Municipal Code.

Section VI. EMERGENCY. WHEREAS, it is being immediately necessary for the preservation of the peace, health, safety and public good of the Town, an emergency is hereby declared to exist by reason whereof this ordinance shall take effect and be in full force and in effect from and after its passage, approval and publication.

PASSED, APPROVED AND ADOPTED THIS 15th day of July, 2025.



(SEAL)

A handwritten signature in cursive script, reading "Linde Vogan", is written over a solid horizontal line.

LINDE VOGAN, TOWN CLERK

TOWN OF COYLE, OKLAHOMA

A handwritten signature in cursive script, reading "Carl Long", is written over a solid horizontal line.

CARL LONG, MAYOR

TOWN OF COYLE, OKLAHOMA