

ARTICLE IV
Financial Procedures¹
[Adopted as Article 130 of the 1962 Codified Ordinances]

§ 5-14. Budget. [Added 6-8-1995 by Ord. No. 13337]

- A. The budget shall be in such form as is required by Council for City budgets and shall, in addition, have appended thereto a detailed analysis of the various items of expenditures and revenue. Position classification titles, pay grades and salaries for each specific position shall be components of the program detail in the budget that is presented to and adopted by City Council.
- B. The budget submitted to Council and the public shall include budget detail sheets which list each and every program account with the items that justify the respective account expenditure. **[Added 6-7-2013 by Ord. No. 15076]**

§ 5-15. City Council action on budget. [Amended 4-17-2003 by Ord. No. 14078]

- A. The Mayor may propose amendments to the original proposed balanced budget. Any amendment which increases any tax rate or fee shall become part of the original budget, provided City Council approves each amendment by five votes. Other Mayoral amendments which do not increase any tax rate or fee shall become part of the original budget, provided City Council approves each amendment by four votes.
- B. The Mayor's original proposed balanced budget is that budget which was submitted on or before 75 days prior to the ensuing fiscal year pursuant to the Charter. **[Amended 9-14-2022 by Ord. No. 15836]**

§ 5-16. Amendments after adoption.

- A. Council may authorize by ordinance supplemental appropriations or revenue changes for any lawful purpose from funds on hand or estimated to be received within the fiscal year as follows: **[Amended 10-20-1993 by Ord. No. 13221; 4-7-1994 by Ord. No. 13252; 7-17-1997 by Ord. No. 13592]**
 - (1) Council may authorize a transfer of the unexpended balance or portion thereof of any appropriation item.
 - (2) Council may authorize an appropriation from the unappropriated balance of any fund.
 - (3) Council may increase any revenue or income budget account to reflect receipt of any additional unbudgeted monies and make the corresponding change to appropriations or the unappropriated balance.
 - (4) Council must approve, by ordinance, any transfer of any funds which results in a change in salary for any City employee.
- B. Positions created by ordinance. No permanent or permanent part-time position not explicitly

1. Editor's Note: For related Charter provisions pertaining to financial procedures, see Charter Article VIII.

provided for in the Budget shall be created; nor shall any budgeted position be deleted or transferred from its budgeted program, unless City Council, by ordinance, authorizes the same position. **[Amended 3-16-1983 by Ord. No. 12548; 6-20-1990 by Ord. No. 12979]**

C. Rules and regulations on transfers. **[Amended 6-20-1990 by Ord. No. 12979]**

- (1) Interfund transfers. City Council may, by ordinance, approve transfers between funds during a budget year.
- (2) Budgeted transfers. The Administration shall issue a monthly report, no later than the 15th of each month, on the transfer of funds into the Risk Management Fund. **[Amended 9-16-2011 by Ord. No. 14922]**
- (3) Intrafund transfers. Subject to the above limitation, the Director of Finance shall have the power within a given account to authorize the transfer of any unexpended balance or any portion thereof, provided such transfers do not exceed \$10,000 and the City Controller signs off on the transfer. Transfers that exceed \$10,000 must be approved by Council by resolution at the public meeting. **[Amended 10-7-2004 by Ord. No. 14215; 5-17-2023 by Ord. No. 15909]**
- (4) The Director of Finance must establish administrative procedures which require information on the request forms proving that such transfer requests comply with this section. **[Amended 6-22-1993 by Ord. No. 13205; 10-20-1993 by Ord. No. 13221; 10-20-1994 by Ord. No. 13284; 7-17-1997 by Ord. No. 13592]**

§ 5-17. Administration of budget and capital plan. [Amended 6-3-2009 by Ord. No. 14721]

The Department of Finance shall submit a monthly financial report to City Council and the Controller showing the financial condition of the various funds of the City, inclusive of authorized, year-to-date and monthly expenditures and revenues of the current and previous fiscal years. The report shall be delivered to Council, and the Controller, no later than two weeks or the first business day thereafter at the close of the month. Should the report not be available within the time frame stated in this section, an explanation must be provided to City Council and the Controller by the first business day after the stated deadline.

§ 5-18. Capital projects.

- A. No expenditure for any capital project shall take place unless a specific authorization has been approved by Council that contains a specific revenue source except in the case of a declared emergency by the Mayor and or his designee. **[Amended 9-3-2014 by Ord. No. 15146]**
- B. Capital project reporting. Status reports to Council: **[Amended 6-7-1996 by Ord. No. 13401; 9-3-2014 by Ord. No. 15145]**
 - (1) Biweekly report. A biweekly report of the active capital improvement projects shall be distributed to the City Controller and City Council upon their request.
 - (2) Report to Council. In addition, the Administration shall provide quarterly reports (March, June, September and December) to City Council. The report shall be delivered

to Council, and the Controller, no later than two weeks or the first business day thereafter at the close of the month. The report shall include the project number, name, start date, funding source, authorizing legislation, initial authorization, adjustments to the original authorization, encumbrances, remaining balance, and projected completion date.

- (3) No later than 45 days after the completion of a capital project, the Administration shall prepare and submit to City Council and the Controller, a report on the completed capital project. The report shall include the project number, name, start date, funding source, authorizing legislation, initial authorization, adjustments to the original authorization, encumbrances, remaining balance, and completion date. The report shall include a review of the estimated cost of the project with the final cost, and explain any deviation between the actual and estimated costs. The report shall be submitted with the monthly financial reports.

- C. Capital project transfers. Once a capital project is completed, the authorization for that capital project shall cease and the "appropriate surplus" shall not apply to any other project. There shall be no transfer of funds from any capital projects unless specifically approved by Council as an amendment to the capital budget. **[Amended 6-7-1996 by Ord. No. 13401]**

§ 5-19. Appropriations. [Amended 2-1-1984 by Ord. No. 12592; 6-20-1990 by Ord. No. 12979]

No monies shall be paid out of the City treasury except upon appropriation previously made by Council and upon warrant pursuant thereto, which warrant shall explicitly state the purpose for which the money is to be drawn. No work shall be hired to be done, no materials purchased, no contracts made, and no order issued for the payment of any monies in any amount which will cause the sums appropriated to specific purposes to be exceeded. In an emergency, however, defined as a situation which endangers or has the potential to endanger the life, safety or well-being of persons, and where expedient action must be taken to preserve and protect property and to avoid a significant potential for financial loss to the City as determined by the City's Emergency Management Committee and based upon the action recommended by them subject to the approval of the Mayor, the Director of Finance shall have the authority to transfer funds from the unappropriated balance of the various funds of the City to a maximum of \$50,000 per emergency to the appropriate bureau(s) responsible for responding to the emergency situation. Within 24 hours of the decision by the Emergency Management Committee to respond to an emergency as outlined above, a representative of the Committee shall notify the President of City Council of its action. Within 10 days from the time of this appropriation, the Director of Finance shall submit a written report to City Council referencing the full details of the emergency, the effect on public safety resulting from this emergency, the action taken to correct the emergency, and the estimated cost of the required action. At no time, except as herein detailed, shall this action be utilized to circumvent the normal appropriation powers and procedures of City Council.

§ 5-20. Contributions. [Amended 8-4-1993 by Ord. No. 13209]

- A. The Administration shall furnish, to City Council, a list of all contributions of any nature, cash or non-cash, made to the City. The list shall be furnished on a quarterly basis.

- B. The Administration shall not accept any contributions which contain a spending restriction and causes an expenditure of City funds unless specifically authorized by City Council by a resolution passed at a Council meeting.²

§ 5-21. Contracts.

- A. Administration. Contract administration for the City, including but not limited to authority as to preparation of specifications, vetting of bids, award of contracts and payment of bills, shall be vested in the Mayor and the Department of Finance to be exercised in accordance with procedures adopted by the Mayor, on file with City Council, and consistent with the requirements set forth herein. **[Amended 1-20-1982 by Ord. No. 12497; 7-31-2006 by Ord. No. 14407; 9-16-2015 by Ord. No. 15224]**
- (1) For professional services, the award of contracts or the engagement of over \$10,000, coordination with and approval by resolution of City Council prior to contract or engagement execution is required. In the case of contracts or the engagement of professional legal services exempted from Council approval under provisions of the Home Rule Charter, the Administration and Solicitor's Office shall meet with City Council, at their request, and identify the name of the provider of service, projected rates and estimated total costs for such services, the terms of the contract, and the budgetary allocation. **[Amended 5-17-2023 by Ord. No. 15910; 3-6-2024 by Ord. No. 15997]**
 - (2) For the award of all contracts over \$40,000 that are done through cooperative purchasing, or are required to be bid, with recommendation of the lowest responsible bidder by the Department of Finance, approval by resolution of City Council prior to contract execution is required. **[Amended 3-6-2024 by Ord. No. 15997]**
 - (3) For all contracts over \$40,000 that are required to be bid, are professional services, or are done through cooperative purchasing, whenever an increase by 10% or more is recommended by the Administration, resubmission to City Council and approval by resolution prior to execution of any increase are required. **[Amended 3-6-2024 by Ord. No. 15997]**
 - (4) For purposes of this article, when calculating the dollar value of a contract with renewal clauses, the maximum amount of all renewals provided for beyond the original term shall be included as if all renewals were exercised.
 - (5) The Administration shall make available to the City Clerk's Office a list by Department of each duly executed purchase order, identifying the vendor, the product or service purchased and the amount of each purchase order.
 - (6) The Administration shall establish and maintain an ongoing prioritized contract monitoring function consistent with established best practices to ensure that the objectives of City contracts are accomplished, and vendors meet their responsibilities. The Administration shall make available to Council and the Clerk's Office all information relating to this section.

2. Editor's Note: A former section included in this article, regarding budget reconciliation, was repealed 6-16-1993 by Ord. No. 13203.

- (7) The Administration shall request City Council approval of a contract award or change order above the 10% threshold as established by City ordinance on a form supplied to the Administration by Council Office. The form shall include, but not be limited to the type of contract or change order, funding source, name and address of the recommended contract/vendor/professional service provider/lowest responsible bidder, term of the contract, estimated completion date, description of the project or scope of services, the actual or estimated price and payment schedule, renewal options, maximum dollar value of all renewals if applicable, and reasons for recommendation.
- (8) All contracts and engagement contracts that require Council approval under Chapter 5, Article IV, shall contain language noting such engagement is subject to Council approval by resolution at a public meeting. **[Amended 3-6-2024 by Ord. No. 15997]**
- (9) "Cooperative purchasing" is defined as procurement conducted by or on behalf of more than one public procurement unit or by a public procurement with an external procurement activity. **[Added 3-6-2024 by Ord. No. 15997]**

B. Bidding process.

- (1) Whenever the estimated cost of any construction, erection, installation, completion, alteration, repair of, or addition to, any project subject to the control of the City shall exceed \$40,000, it shall be the duty of the City to have such work performed pursuant to a contract awarded to the lowest responsible bidder after advertisement for bids. Every such contract shall contain a provision obligating the contractor to the prompt payment of all material furnished, labor supplied or performed, rental for equipment employed, and services rendered by public utilities in or in connection with the prosecution of the work, whether or not the said material, labor, equipment or service enter into and become component parts of the work or improvement contemplated. Such provision shall be deemed to be included for the benefit of every person, partnership, association or corporation who, as subcontractor or otherwise, has furnished material, supplied or performed labor, rented equipment or services in or in connection with the prosecution of the work as aforesaid, and the inclusion thereof in any contract shall preclude the filing by any such person, partnership, association or corporation of any mechanics' lien claim for such material, labor or rental of equipment. **[Amended 8-21-1997 by Ord. No. 13596; 2-23-2009 by Ord. No. 14684]**
- (2) Whenever the estimated costs of any purchase of supplies, materials or equipment or the rental of any equipment, whether or not the same is to be used in connection with the construction, erection, installation, completion, alteration, repair of, or addition to, any project subject to the control of the City, shall exceed \$40,000, it shall be the duty of the City to have such purchase or rental made pursuant to a contract awarded to the lowest responsible bidder, after advertisement for bids, such advertisement including but not limited to any of the following: newspaper advertisements, internet and trade publications, and shall be posted on the City website. The City shall make every effort to use available resources to secure the most cost effective responsible bid and this shall include but not be limited by the internet, buying groups, co-ops, consortiums, e-commerce, and reverse auctions. **[Amended 8-21-1997 by Ord. No. 13596; 2-23-2009 by Ord. No. 14684]**

- (a) The City shall not evade the provisions of Subsection B(1) or (2) as to advertising for bids by purchasing materials or contracting for services piecemeal for the purpose of obtaining prices under \$40,000 upon transactions which should, in the exercise of reasonable discretion and prudence, be conducted as one transaction amounting to more than \$40,000. This provision is intended to make unlawful the practice of evading advertising requirements by making a series of purchases or contracts, each for less than the advertising requirement price, or by making several simultaneous purchases or contracts, each below said price, when, in either case, the transactions involved should have been made as one transaction for one price.
 - (b) Written or telephonic price quotations from at least three qualified and responsible contractors or vendors shall be requested for all contracts that exceed \$10,000 but are less than the amount requiring advertisement and competitive bidding or, in lieu of price quotations, a memorandum shall be kept on file showing that fewer than three qualified contractors exist in the market area within which it is practicable to obtain quotations. A written record of telephonic price quotations shall be made and shall contain at least the date of the quotation, the name of the contractor and the contractor's representative, the construction, reconstruction, repair, maintenance or work which was the subject of the quotation and the price. Written price quotations and written records of telephonic price quotations and memoranda shall be retained for a period of three years.
- (3) The City shall require as a condition of the award of any contract, pursuant to Subsection B(1) or (2) of this section, that the contractor give to the City any bond or letter of credit (including bonds for the performance of the contract, and for the prompt payment by the contractor for material, supplies, labor, services and equipment) which are prescribed by law for contracts awarded by cities of the Third Class.
- (4) All contracts, change orders and leases shall be on file in the office of the City Controller and shall be available for public inspection during normal business hours. **[Amended 8-21-1997 by Ord. No. 13596; 2-23-2009 by Ord. No. 14684]**
- (5) Resident preference. **[Amended 3-5-1998 by Ord. No. 13650]**
- (a) For the purposes of this section, "resident business" means one which maintains its principal place of business in the City of Allentown or maintains an office which employs at least five employees in the City of Allentown.
 - (b) When bids are received from both nonresident and resident businesses, or for a product manufactured in Allentown or manufactured by an entity headquartered in Allentown, and products which are not, and the lowest responsible bid is from a nonresident business or not manufactured in Allentown or by an entity headquartered in Allentown, the contract shall be awarded to the responsible resident business or the product manufactured in Allentown or manufactured by an entity headquartered in Allentown, whose responsible bid is nearest to the bid price of the otherwise low nonresident bidder, if the bid price of the resident bidder is made lower than the bid price of such nonresident business when multiplied by a factor 0.95. (Residence preference provision was approved in a Charter Referendum, November 4, 1997.)

- (c) In order to qualify for the preference set forth in Subsection B(5)(b), above, the resident business or manufacturer must be properly licensed to do business in the City of Allentown and in compliance with all City Ordinances and regulations.
 - (d) This section shall not apply to bids for the construction of public improvements in excess of \$50,000, or where the difference between the lowest nonresident bid and the lowest resident bid is in excess of \$2,500, or where otherwise prohibited by law or state or federal regulation.
- (6) Identified business enterprises (IBE). Small business, small diverse business, Section 3 residents and businesses as defined by the HUD Act of 1968, as amended, and veteran business enterprises. **[Added 10-19-2022 by Ord. No. 15849]**
 - (a) For the purposes of this section, identified business enterprises (IBE) shall include small business, small diverse business, and veteran business enterprises as they are defined and certified by and through the PA State Bureau of Diversity, Inclusion and Small Business Opportunities and as recognized by federal regulations or other third-party certifying agencies approved by City Council in the form of a resolution passed at a public meeting. Section 3 residents and businesses as defined by the HUD Act of 1968, as amended, and certified through the HUD portal shall also be included.
 - (b) When bids are received from IBE, the contract shall be awarded to the IBE whose responsible bid is nearest to the bid price of the otherwise low IBE, if the bid price of the IBE is made lower than the bid price of such non-IBE when multiplied by a factor of 0.95.
 - (c) In order to qualify for the preference set forth in Subsection B, above, the IBE must be properly licensed to do business in the City of Allentown and in compliance with all City ordinances and regulations.
 - (d) This section shall not apply to bids for the construction of public improvements more than \$50,000, or where the difference between the lowest nonresident bid and the lowest resident bid is more than \$2,500, or where otherwise prohibited by law or state or federal regulation. In the case of competing IBEs the award shall be made to the lowest bidder.
- C. Emergency purchases. **[Amended 8-21-1997 by Ord. No. 13596; 2-23-2009 by Ord. No. 14684]**
 - (1) The bidding requirements of this section shall not apply to emergency purchases. An "emergency purchase" shall mean a purchase necessary for the public safety or to avoid a significant financial loss to the City.
 - (2) Emergency purchases shall be determined by the Mayor, Managing Director, or designee and within one week after the purchase of any goods, equipment or services described in the above, the Finance Director shall submit to the City Controller a report detailing the justification for excluding said purchase from advertised bidding requirements, the vendor selected for the purchase, the price paid for the goods, equipment or services purchased, and any additional information as the City Controller

may require.

- D. **Sweatshop prohibition.** The City is prohibited, to the extent possible, from purchasing, leasing, renting or taking on consignment goods produced under sweatshop conditions. **[Amended 7-17-1997 by Ord. No. 13591]**
- (1) The City is directed to notify the City's suppliers of this policy in writing.
 - (2) Vendors or suppliers must authorize a statement verifying they have made a good faith effort to ascertain such information about the factories which manufacture their products.
 - (3) To the extent possible, goods from suppliers who will not state that their products are not made under sweatshop conditions will not be purchased.
 - (4) The criteria spelled out below shall be included in every City purchase as part of the contract stipulating that said vendor has made a good faith effort to ascertain such information about the factories which manufacture their products.
 - (5) Such a compliance form must also be submitted from each vendor that desires to go on any bidding list.
 - (6) The following criteria shall be used to qualify goods as not being procured under sweatshop conditions:
 - (a) **Child labor.** The factory does not employ anybody younger than the legal age for children to work in the country in which the factory is located, and regardless of the legal age, does not employ anybody younger than age 15.
 - (b) **Forced labor.** The factory does not use forced labor of any kind — prison labor, indentured labor or bonded labor.
 - (c) **Wages and benefits.** The factory pays a wage which enables its employees to meet their basic needs for food, shelter, clothing and medical care and to set aside money for future purchases. The factory also provides all benefits required by law in their country and compensates workers for overtime.
 - (d) **Hours of work.** Employees are not required to work more than 48 hours per week or less if the law of the country in which the factory is located sets a shorter work week.
 - (e) **Workers' rights.** The factory is a workplace free from physical, sexual or verbal harassment. Employees have the right to speak up about conditions in the factory without fear or retaliation and have the right to form unions of their own choosing without employer intimidation.
 - (f) **Health and safety.** The factory provides a safe and healthy working environment.
- E. **Purchase of professional services.** **[Amended 10-1-1980 by Ord. No. 12432; 1-20-1982 by Ord. No. 12497; 9-22-1995 by Ord. No. 13351; 5-20-1998 by Ord. No. 13445; 2-23-2009 by Ord. No. 14684]**

- (1) Unless otherwise prescribed or superseded by the City Charter, any purchase of professional services (excluding those related to public debt offerings or other borrowing) in any amount that exceeds \$40,000 shall be made by written contract and shall be conducted as follows:
 - (a) Requests for professional consulting services (excluding those related to public debt offerings or other borrowing) shall be advertised in any of the following: newspaper advertisements, internet and trade publications, and shall be posted on the City website. The City shall make every effort to use available resources to secure the most cost effective responsible bid, and this shall include but not be limited by the internet, buying groups, co-ops, consortiums, e-commerce, and reverse auctions.
 - [1] The advertisement shall be in one of two alternative formats. First, it may simply serve notice that a request for proposal (RFP) is available for review listing all basic information necessary to elicit responses. Second, the advertisement may briefly summarize the nature of the requested services and solicit statements of qualifications from firms interested in providing the requested services to the City. As a result of the information provided in this phase, selected qualified firms will be asked to respond to a detailed RFP.
 - [2] The request for proposal shall clearly describe the desired services and shall include, but not be limited to the following information:
 - [a] General background information pertinent to the requested services.
 - [b] Nature and scope of requested services, including minimum tasks and activities to be performed together with prescribed completion schedule.
 - [c] Methodology and technical approach to be used in accomplishing the requested work.
 - [d] Description of reports required.
 - [e] Documentation of qualifications and experience in similar work and resumes of staff members to be assigned to the engagement.
 - [f] Compensation information, including detailed cost information itemizing hours and rates of each class of staff to be utilized, overhead and profit (if not included in such rates), and out-of-pocket expenses such as travel, telephone, publication and duplication.
 - [g] Estimated utilization of City resources necessary to complete the engagements.
 - [h] Information on the City's evaluation and selection process.
- (2) The selection process shall be based on the objective criteria contained in the RFP and shall be conducted by a Selection Committee composed of the Director of Finance or designee, Department Head, Bureau Manager, and any other staff deemed appropriate except in the case of an investigation authorized by ordinance under Section 201 of the

Home Rule Charter wherein the ordinance shall authorize a selection committee.
[Amended 4-3-2024 by Ord. No. 15998]

- (3) Unless otherwise prescribed or superseded by the City Charter, whenever fewer than three proposals are received from qualified and responsible vendors for professional services of more than \$10,000 but less than the amount requiring advertisement and competitive bidding \$40,000, the administrative documentation that requests execution of any resulting contract shall provide the reason(s) for not obtaining three proposals. The contract and the administrative documentation shall be kept on file at the City Controller's Office.

**F. Policy and procedures for engineering by consultants for state and federally funded projects.
 [Amended 8-15-2012 by Ord. No. 15013]**

- (1) The following procedures shall be used for the orderly determination of the need to use consulting engineering firms, the qualifications and selection of firms, and general administration and monitoring of engineering agreements.
- (2) Upon being notified of the need to initiate engineering services on a project, the City Engineer shall analyze the City of Allentown forces to determine if the services of a consulting firm are necessary. The analysis regarding the need to engage consultants will be documented in the project file.
- (3) A detailed scope of work describing the project, its location, and services required, will be prepared. An engineering cost estimate will be prepared to compare with the consultant's proposal. A Disadvantaged Business Enterprise (DBE) Goal Request will be submitted to PennDOT's Consultant Agreement Section. The request for letters of interest from consulting firms interested in performing the required engineering services will be advertised in the following: newspaper advertisements, internet and trade publications, and shall be posted on the City website. The request for letters of interest must appear in at least two newspapers, of wide local circulation, for one advertisement cycle as required by municipal codes, other statutes or home rule charters. The City of Allentown will submit their advertisements for approval and publishing in Engineering and Construction Management System (ECMS) to either:

Paper copy		Electronically
Department of Transportation	or	ECMS_Local_Advertisements@pa.gov
Bureau of Project Delivery		
Highway Delivery Division		
Contract Management Section		
400 North Street, 7th Floor		
Harrisburg, PA 17120		

- (4) The City shall make every effort to use available resources to secure the most cost effective responsible bid and this shall include but not be limited by the internet, buying

groups, co-ops, consortiums, e-commerce, and reverse auctions.

- (5) The advertisement will include the following information:
 - (a) Location and brief description of the required engineering services.
 - (b) Indication of the method of procurement as competitive negotiations.
 - (c) A statement that the City of Allentown encourages responses from small firms, minority firms, and firms who have not previously performed work for the City.
 - (d) The Disadvantaged Business Enterprise Goal, if any, or nondiscrimination provisions to encourage the prime to notify DBE subconsultants of contracting opportunities associated with the agreement and solicit their participation, if DBE goals are not required for the agreement.
 - (e) A statement that indicates whether the modified or standard selection method will be used.
 - (f) A list, in order of importance, of the selection criteria against which the letters of interest will be reviewed.
 - (g) A request for special requirements U.S. General Services Administration (GSA) Form 330.
 - (h) Contact information for project discussions.
 - (i) Cutoff time for response to the advertisement (minimum of two weeks).
- (6) Three consultants will be selected from those consultants who submit letters of interest. A qualification selection committee, consisting of a minimum of three people:
 - (a) Director of Public Works or designee;
 - (b) Utility Engineer or designee;
 - (c) Assistant City Engineer or designee;
 - (d) Construction manager or designee shall review the qualifications of consultants who submit letters of interest as well as their responsiveness to the requirements of the advertisement.
- (7) Documentation of consultants considered and the committee's recommendation shall be maintained in the project file. The committee shall document the reasons for their recommendations.
- (8) For selecting a consultant to perform bridge inspection, construction inspection agreements, or non-complex or selected moderately complex projects as defined in DM1, or for selecting a consultant as a Municipal Engineer, a modified process may be used, and a ranking will be determined based on a review of the statements of interest.
- (9) For all other agreements, the normal selection method will be used. The Director of Public Works shall review the recommendations of the qualification committee and

select three firms to be recommended to the Pennsylvania Department of Transportation (hereinafter called "the Department") as the consultants to prepare a proposal. Upon receipt of the approval of the consultants from the Department, a technical proposal shall be requested from the consultants.

- (10) The request for technical proposals shall include a brief written scope of work. The consultants will be invited to a scope of work meeting, at which time the project will be explained in detail. Representatives from the Department will be invited to the meeting. The consultants will be advised of the applicable federal regulations, review procedures, contract format, and administration. A copy of the Department's Publication 442 will be supplied that the specifications will be made a part of the contract. The City of Allentown's limitations of profit, wages, etc. will be explained. The consultants will be given a name and phone number to contact in case they would have any questions during the preparation of their proposal.
- (11) Upon receipt of the technical proposals from the consultants, the qualification committee shall review the technical proposals and make a recommendation for the ranking of the shortlisted consultants for the purpose of negotiating an engineering agreement. The committee shall document the reasons for their recommendation.
- (12) The City of Allentown shall conduct discussions with the firms to consider anticipated concepts and compare alternative methods for furnishing services.
- (13) For both modified and standard methods of selection, the Director of Public Works shall review the recommendation of the qualification committee and in order of preference, rank the firms. The ranking will be recommended to the Department for approval. Documentation supporting the ranking of the consultants shall be forwarded to the Department when requesting approval of the consultant's ranking. The Department shall approve and/or comment on the municipality's recommended ranking.
- (14) The City of Allentown will request a price proposal from the approved first-ranked firm and submit the appropriate number of copies to the Department.
- (15) The Department will conduct the pre-award evaluation and schedule and hold negotiations, if necessary.
- (16) The agreement will be prepared by the Department and circulated for signatures.
- (17) It is understood that the consultant cannot begin work until the federal authorization has been obtained, and both the engineering agreement and the reimbursement agreement have fully executed, and notification of this fact has been received by the City of Allentown.
- (18) The City Council designates the Public Works Director to perform liaison activities between the City of Allentown, the Department, and the consultant.
- (19) The City of Allentown will enter into a reimbursement agreement with the Department setting forth the methods for reimbursing the federal funds to the City of Allentown. The reimbursement agreement will be prepared by the Department.

- (20) During the life of the engineering agreement, monthly (or at other appropriate times) meetings will be held with the consultant and the designated liaison person. The Department will be invited to attend these meetings. Documentation of these meetings will be included in the project file.
 - (21) Partial payment invoices for work performed will be processed as provided by Publication 442. After review of the invoices by the Public Works Director, or his designee, it will be paid. The invoice will in turn be forwarded to the Department with recommendation for reimbursement of the federal and/or state share.
 - (22) Prior to termination of services and payment of the final invoice, a joint review will be made by the Department and the City of Allentown to insure the propriety of claims and that all terms and conditions of the contract have been satisfied. Documentation of these findings will be submitted to the Department with the final invoice.
 - (23) The City of Allentown's designated liaison person will complete copies of the Form D-429, "Past Performance Report for Consultant Engineers", see Appendix 7G or Form D-429 CI, "Past Performance Report for consultant Engineers Construction Inspection", see Appendix 7H.
 - (24) It is understood and made part of these procedures that the employees of the City of Allentown will neither solicit nor accept gratuities, favors, or anything of monetary value from consultants or contractors or potential consultants or contractors. Violators of said standards will be subject to dismissal from their employment with the City of Allentown by order of the City Council.
- G. List of subcontractors required. Contractors that are awarded a bid shall provide a list of all subcontractors if they will engage in any work on the project. The list shall be part of the contract that shall be on file in the Controller's Office. **[Amended 10-6-2006 by Ord. No. 14428]**
- H. Campaign prohibitions and regulations on noncompetitive bid contracts or financial assistance in excess of \$2,500. If an individual or business make a contribution in excess of \$250 inclusive of in-kind services in the aggregate (family members with a financial interest in the business, business associates, subcontractors, contribution to a PAC which makes a candidate contribution, consultants) during a calendar year, to a candidate for any elective City office or to an elected City office incumbent during the incumbent's term of office, the individual or business shall not be eligible to apply for or enter into any noncompetitive bid contract or be eligible to be a subcontractor for a noncompetitive bid contract or to receive financial assistance (grants, tax incentive, etc.) from the City. **[Amended 10-7-2015 by Ord. No. 15237]**
- (1) This section applies to noncompetitive bid contracts or financial assistance in excess of \$2,500 excluding contracts or financial assistance for pass through grants, nonprofit organizations, and federal grants such as CDBG allocations.
 - (2) City agencies must notify the Purchasing Office of such opportunities using a form developed by Purchasing.
 - (3) The Purchasing Office must develop procedures to implement this § 5-21H, including a

form for notifying potential applicants of contract or financial assistance opportunities.

- (4) Applicants for such opportunities must disclose all aggregate campaign contributions to City elective office candidates or incumbents.
- (5) An applicant must provide the name, employer and address of any planned subcontractors and/or consultants to be used by the applicant.
- (6) The disclosure forms from all applicants must be made available to the public.
- (7) Agreements must include a copy of the disclosure forms.
- (8) Agreement must state that the contribution rules apply during the term of the contract.
- (9) Breach of such contribution rules shall be cause to void the contract.
- (10) A voided contract shall make the contractor liable for liquidated damages of 10% of the maximum payment to the contractor.
- (11) The provisions of this section shall not be applicable where compliance with provisions may lead to loss of federal, state or similar grant funding or where a delay in the award of a contract would pose a threat to public safety.

§ 5-22. Outsourcing. [Amended 9-28-1995 by Ord. No. 13355; 3-4-1998 by Ord. No. 13655]

City Council must approve, by resolution, all contracts for service, to do work or provide City services, which is currently being performed or provided for by City workers as of the effective date of this section except for temporary emergency service assistance of a duration not to exceed one week.

§ 5-23. Warrants: form and signature.

- A. Warrants are to be issued on forms approved by the City Controller and the Director of Finance or designee. **[Amended 1-20-1982 by Ord. No. 12497]**
- B. Prior to a warrant being presented to the Director of Finance or designee, it must be signed by the head of the department or office issuing such warrant and countersigned by the City Controller. Upon compliance herewith, such warrant shall be sufficient authority for the Director of Finance or designee to issue a check or draft for payment thereof. **[Amended 10-2-1962 by Ord. No. 9917]**

§ 5-24. Deposits; commingling; negative cash balances.

- A. Monies received by the Department of Finance shall be deposited daily in such banks or other financial institutions designated as legal depositories by the Commonwealth of Pennsylvania for cities of the Third Class.
- B. Deposits shall be made in the name of the City and credited to the proper fund(s). Such amounts shall not be commingled; provided, however, that interfund borrowing to eliminate temporary cash shortages and "pooling" of available cash balances for investment purposes pursuant to § 5-25 shall not be construed as commingling. The Administration shall provide

to Council and the Controller, on a monthly basis, the status of any interfund borrowing. **[Amended 9-5-1984 by Ord. No. 12620; 10-6-2004 by Ord. No. 14218]**

- C. The Administration must notify Council and the Controller of any negative cash balance in any budgeted fund account within seven days of such occurrence. **[Amended 10-6-2004 by Ord. No. 14218]**

§ 5-25. Short-term investments. [Amended 5-21-1986 by Ord. No. 12711; 9-7-2022 by Ord. No. 15837]

- A. Definitions. As used in this section, the following terms shall have the meanings indicated:

SHORT-TERM INVESTMENT — A legally allowable investment of City funds into marketable securities that can be easily sold or otherwise converted to cash within 12 months.

- B. In accordance with Section 507 of the Home Rule Charter, the Director of Finance is authorized to invest the City's funds, including, but not limited to, cash in the general funds, enterprise funds, and other funds included in either the operating or capital budget, and bond proceeds, in instruments and securities designated as legal investments by the Commonwealth of Pennsylvania for cities of the Third Class. Such investments shall be limited to the financial products enumerated in the Act of March 25, 2016, P.L. 72, No. 10, 53 P.S. § 5410.1(a) ("Act 10"). For purposes of making such investments, any available cash balances may be combined or pooled; provided, however, that the interest earned on such investments shall be properly prorated among the respective funds.
- C. It is the investment policy of the City of Allentown that, during the 2023 fiscal year and annually thereafter, the Director of Finance shall submit to the Mayor a short-term investment strategy of the City's own funds that is designed to maximize yield, moderate risk, and match maturity dates to cash flow needs. The investment strategy shall include:
- (1) A monthly cash flow of at least 12 periods of each pooled cash fund from which investments shall be drawn, including the amount of excess cash in each fund that are available for investment, the date of the outflow, the date of the inflow from the investment maturity, the expected revenue less expenditure for each month, the monthly resulting balance, and the total balance, both of which must be positive.
 - (2) A ladder or nonladder schedule of investments that includes, but is not limited to, the par amount to be invested, the term in calendar days, the maturity date of the investment, the expected rate of interest or discount, the amount of interest or full maturity amount, and the institutions in which the investment is to be entrusted.
 - (3) The final effective date of the annual investment strategy. The final maturity date must be less than 365 days from the date of the investment strategy.
 - (4) Investment strategy for nonpooled cash accounts, including, but not limited to, bond proceeds.
- D. The Director of Finance must present the annual investment strategy to the Mayor at least two months before the date of the previous investment strategy's final effective date.
- E. Nothing in this chapter shall prevent the Director of Finance from reinvesting funds invested

in the prior investment strategy into the current year investment strategy, and investment strategies may include overlapping maturity dates of reinvested funds.

- F. The par amount and interest of a matured investment may be held in a liquid state in a nonpooled investment account, if such account bears interest at a higher rate than the Central Treasury bank account and if, in accordance with Subsection F of this section, the funds can be moved without prepayment penalty through an automated clearing house into the Central Treasury bank deposit account within seven business days.
- G. No pooled cash fund shall experience a negative fund balance for any period because of the investment strategy. This investment policy requires the Director of Finance to account for liquidity strategies to meet each fund's monthly expenditures in the event that the initial cash flow analysis proves to be inaccurate or in case of emergency.
- H. After the Mayor has approved the investment strategy, the Director of Finance shall present the strategy annually to the City Council and the Controller in any appropriate public meeting at least two weeks before the investments are made or during the budget approval process for the subsequent budget year, provided that investments that are laddered to mature over two short-term investment periods may be made, in accordance with this chapter, prior to the public hearing. The Mayor or Director of Finance shall, upon request, inform Council of any maturities or reinvestments and their par amounts, rates, discounts, terms, and yields that occur at any point during the fiscal year at the next public meeting after any such request.
- I. If the Director of Finance determines that due to market conditions the interest rate or interest amount realized on the Central Treasury bank account for all pooled cash will exceed the likely rate of return of the permitted investments enumerated in 53 P.S. § 5401.1(a) for the ensuing year, he or she may issue an investment strategy setting forth the reasons why the funds should remain in the Central Treasury bank account. Furthermore, if the Director of Finance advises that all pooled cash should be left in an entirely liquid state to meet the cash flow needs of the City for the ensuing year, he or she may also submit an investment strategy stating the reason why the funds must be left in an entirely liquid state.

§ 5-26. Vacancy report. [Amended 8-4-1993 by Ord. No. 13210]

- A. The Administration shall furnish to City Council a list of all position vacancies in each fund on a monthly basis. The list shall include the fund that supports the position, the Department and Bureau wherein the position is vacant, the position, pay class, annual wage, vacancy date and savings.
- B. After reviewing the report and consulting with the Administration, Council reserves the right to state their opinion on filling the position with a resolution which demonstrates their intention to delete the position from the budget.

§ 5-27. Limitations on expenditure of City funds. [Amended 12-16-1993 by Ord. No. 13231]

- A. No City funds shall be expended for the purchase of any newspaper which is not a specialized professional journal.
- B. For the purposes of this section, a general circulation newspaper shall not constitute a

specialized professional journal.

§ 5-28. Sale/leasing of City land. [Amended 4-7-1994 by Ord. No. 13253]

City-owned real estate shall not be sold, conveyed, transferred or leased for a term in excess of five years without the prior authorization of City Council in the form of a resolution adopted at a public meeting.

§ 5-29. Dedicating City assets. [Amended 2-18-1999 by Ord. No. 13734; 2-8-2007 by Ord. No. 14467]

- A. Purpose. This policy is to encompass the naming of any City assets including parks, open spaces, facilities, recreation elements, streets and other municipal buildings or properties. The final decision for naming of assets will rest with City Council, including naming opportunities as a result of gifts and sponsorships. The naming of a particular asset is important for public awareness, promotion and emergency access. Therefore, naming will be consistent with the City of Allentown's vision and will not contravene any policy of the City nor reflect negatively on the City's public image.
- B. Intent. The intent of this policy is to:
 - (1) Begin a practice of naming municipal property, buildings and recreation and park elements after significant geographical, neighborhood and historical elements;
 - (2) Recognize on an exception basis, significant contributions that organizations or individuals have made to the public life and the well-being of the people of Allentown;
 - (3) Provide direction of how to apply for approval to name, rename or dedicate municipal property, buildings or park elements.
- C. Policy statements.
 - (1) There are four main types of naming situations this policy intends to address:
 - (a) Opening of a new City asset or reopening of a City asset following refurbishment.
 - (b) Honoring individuals or groups.
 - (c) Recognizing international, national or provincial events/competitions.
 - (d) Providing recognition of gifts, sponsorships and joint ventures.
 - (2) The selection of a name will be based on a number of criteria, including but not limited to:
 - (a) A long-standing local area identification with the residents.
 - (b) Understandable to the majority of citizens in Allentown.
 - (c) Consistent with any other applicable policies and naming guidelines.
 - (d) Assists with emergency response situations by being consistent with street names

and geographical locations and meeting the requirements of Allentown Fire Department, Police, and EMS.

- (e) Consistent with sponsorship levels.
- (3) Preference will be given to names that:
- (a) Give a sense of place, continuity and belonging reflecting the geographic location, community, neighborhood or street where the City asset is located;
 - (b) Recognize the historical significance of the area;
 - (c) Reflect unique characteristics of the site;
 - (d) Reflect the type of service offered;
 - (e) Are in keeping with a selected theme; and/or
 - (f) Honor individuals, living or deceased, who have made a significant contribution to the community.
- (4) Names will not be chosen that:
- (a) Cause confusion due to duplication or names sounding similar to existing locations within Allentown;
 - (b) Are the names of tobacco companies;
 - (c) Lend themselves to inappropriate short forms or modifications.
 - (d) Are discriminatory or derogatory considering race, gender, creed, political affiliation, or other similar factors;
 - (e) Recognize the birth, marriage or anniversary of specific individuals (this can be done through individual dedications of benches and trees through Parks and Recreation). **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- (5) Names of persons, organizations, corporations, foundations or their families will be considered when they have made a significant contribution to the City by:
- (a) Enhancing the quality of life and well-being of the City;
 - (b) Contributing to the historical or cultural preservation of the City;
 - (c) Contributing toward the acquisition, development or conveyance of land or building;
 - (d) Achieving excellence in their endeavors and representing Allentown in a meritorious manner; and/or
 - (e) Where there is a direct relationship or association that exists between former place of residence of the person or group and the asset to be named.

- (6) Where the name of an individual is recommended after a discussion, consent shall be obtained from the individual or their next of kin prior to Council's public consideration.
- (7) Where the naming opportunity is as a result of a sponsorship or gift the following factors must be considered:
 - (a) The significance of the contribution made relative to the construction and operating costs of the item being named.
 - (b) The cost of establishing the naming option (e.g., cost of the signage to be paid by the applicant unless the City has made the request for the name change).
 - (c) Sunset clause associated with the length of time that the name will be used. Naming agreements may be renewed if the appropriate gift or sponsorship is received.
- (8) Existing names will not be changed without consideration of the historical significance of the existing name, the impact on the individual or organization previously named, the cost and impact of changing existing signage, rebuilding community recognition and updating records (i.e., letterhead, databases, promotional materials). Each application will be considered on a case-by-case basis.

D. Application review and approval process.

- (1) Applicant(s) shall submit a written request for civic naming to the City Clerk. The written request shall provide the following:
 - (a) Background information concerning the rationale for consideration of the request;
 - (b) Biographical information if named after an organization or individual; and
 - (c) Documentation, including letters from organizations and individuals providing substantial support for the request.
- (2) Each application for naming/renaming shall undergo a process which will:
 - (a) Review the application for conformity with this policy.
 - (b) Circulate the application to the appropriate internal stakeholders for comment on the suitability of the application.
 - (c) Discuss any naming in recognition of an individual prior to discussing it with the individual or next of kin.
 - (d) Consult with external stakeholders in the community to the level of support or identify possible objections to the requested civic naming.
 - (e) Determine whether or not a special event is planned to coincide with the formal naming.
- (3) An asset shall only be named or renamed upon the approval of at least five of the seven members of City Council.

§ 5-30. City funds prohibited to delinquents. [Amended 3-20-2003 by Ord. No. 14068]

The City shall not distribute any funds to any business or organization that is delinquent in taxes, assessments, or any other municipal fee or charge that is due to the City or any agency created by the City, provided that this section does not violate state or federal laws or requirements. This section shall not prohibit the acquisition of an interest in real estate.

§ 5-31. Settlements. [Amended 11-7-2006 by Ord. No. 14433]

Council shall be given notice of any legal settlement that entails \$50,000 or more in City funds within 30 days of the settlement.

§ 5-32. Stabilization Fund. [Amended 11-7-2006 by Ord. No. 14434; 6-10-2007 by Ord. No. 14493; 9-19-2018 by Ord. No. 15482]

- A. The Administration shall consolidate \$4.8 million as reserves into one fund entitled, "the Stabilization Fund," from the proceeds of the bank note authorized by Ordinance No. 14422;
- B. The Stabilization Fund shall only be comprised of unreserved, undesignated reserves;
- C. All transfers from the Stabilization Fund shall be upon approval of City Council; however, this will not preclude the use of the funds for cash flow purposes by other City funds during a given budget year, provided documented revenue receivables for the borrowing fund exceed budgeted expenditures and the monies transferred, and all such borrowed monies are returned to the Stabilization Fund before the close of the applicable budget year. Transfers for cash flow purposes shall be allowed, provided that they do not go beyond a fiscal year. Council shall be notified that this has occurred within seven days of the "borrowing";
- D. The annual budget documents submitted by the Mayor shall disclose the beginning and ending balance of the Stabilization Fund for the fiscal year;
- E. In addition to adopting the budget and setting the rate of taxation for the fiscal year, City Council's ordinance to adopt a budget shall state the beginning and ending balance of the Stabilization Fund for the fiscal year;
- F. Once established, the historical data of the Stabilization Fund shall be included as an appendix in all future budgets submitted by the Mayor;
- G. The Mayor shall distribute copies of this section to the proper officers and other personnel of the City of Allentown whose action is required to achieve the purpose of this section;
- H. As a part of any resolution seeking the authority of City Council to sell City-owned real property, the Mayor shall include a proposed fund distribution of monies to be received from such sale, and at least 10% shall be committed toward repayment of this loan beginning in 2008.