

CITY OF JOHNSTOWN, PENNSYLVANIA
ORDINANCE NO. 5383

Bill 6 of 2026

Introduced in Council
August 12, 2026

Bill No. 19 of 1991 — By: Greater Johnstown — Introduced in
— Committee — Council 6/12/1991

**AN ORDINANCE AMENDING CHAPTER 236 TITLED DEPARTMENT OF FINANCE
OF THE CODIFIED ORDINANCES OF THE CITY OF JOHNSTOWN TO INCLUDE
4527 AND 4587 AND PROVIDING FOR STANDARDS FOR FEDERAL AWARDS.**

BE IT ENACTED AND ORDAINED, by the Council of the City of Johnstown, Pennsylvania, and it is hereby enacted by the authority of same that:

236.12. PURCHASING AGENT

- (a) Establishment. There is hereby created in the Department of Finance, a purchasing department hereinafter referred to as the purchasing agent who shall be accountable to the City Manager or designee of the City Manager ~~Director of Finance.~~
- (b) General Duties. The purchasing agent shall continually work to obtain the best possible prices without sacrificing needed quality, useability, and reliability for the goods and services acquired by the City. He or she shall also adhere to state contracting and purchasing laws applicable to the City and to federal laws and procedures governing purchasing related to federal programs operated by the City.
- (c) Exceptions to Purchasing Responsibilities. The purchasing agent shall be responsible for all purchases or leases of goods, materials, supplies and services obtained by the City of Johnstown with the following exceptions:
- 1) Construction Projects which are bid
 - 2) Insurance and Bonds
 - 3) Consultant Services
 - 4) Legal and Accounting Services
- (d) Assisting Department Heads. The purchasing agent shall assist the department heads responsible for the above acquisitions with the exception of legal and accounting services.
- (e) Sub granting of Funds. The sub-granting of state, federal, private-foundation, or similar funds passed through the City to other entities shall not ordinarily be judged "purchasing" in the meaning of this Ordinance.

- (f) Cooperating with Other City Agencies. The purchasing agent shall cooperate with all department heads and other officials of the City to obtain the goods and services needed at the best prices and to make certain federal, state, and foundation grant and program regulations and/or conditions are met.
- (g) Review Procedures. The purchasing agent shall continually review the needs of the City for various materials, supplies, parts, and services. He or she shall:
- 1) Develop lists of items and probable quantities to be needed within the foreseeable future up to but usually not in excess of one year.
 - 2) Determine what items are being supplied by only one source and seek to obtain either generic substitutes or other equivalent items distributed by more suppliers or additional competitive suppliers.
 - 3) Maintain contact with vendors and keep informed about market conditions affecting availability and prices of materials, supplies, parts, and services used by the City.
 - 4) Develop and maintain clear and accurate specifications describing the goods and services in common or recurring usage by the City.
 - 5) Obtain quotations or bids for items needed.
 - 6) For certain items in recurring use by the City, obtain competitive quotations to remain firm for a designated period of time up to one year or until changes occur in the market conditions affecting those goods and services.
 - 7) Award purchase contracts to the vendor offering the lowest overall cost to the City for the items quoted or their equivalents in quality and function.
 - 8) Develop and maintain a computerized database covering goods and services in use by the City recording quantities, vendors, prices and other matters.
 - 9) Develop and maintain a purchased-order form system.
 - 10) Keep informed about intergovernmental purchasing opportunities of potential benefit to the City.
 - 11) Develop, implement, and oversee a system for verifying the receipt and quality of goods purchased pursuant to this Ordinance.
 - 12) Approve all purchase orders.
 - 13) Provide for purchases in emergency situations.

- 14) Identify needs to transfer funds among budget appropriation codes.

h. COMPETITION

- (1) All procurements except unsolicited proposals of Section i(6). and noncompetitive negotiation in Section i(7). shall be conducted in a manner providing full and open competition.
- (2) Neither the purchasing agent nor any other official or employee of the City shall communicate to particulars of any vendor's quotation, bid, or proposal directly or indirectly to any other vendor until after the purchase in question is made or the vendor is chosen. To further the objective of competition, the purchasing agent shall:
 - A. Not place unreasonable requirements on forms in order for them to qualify to do business.
 - B. Not require unnecessary experience and/or excessive bonding.
 - C. Discourage, expose, and avoid noncompetitive pricing practices between firms or companies.
 - D. Avoid noncompetitive awards to vendors that are on retainer contracts.
 - E. Avoid conflicts of interest.
 - F. Avoid specifying by "brand-name" product without allowing an "equal and equivalent" product to be offered.
 - G. Avoid any arbitrary action in the procurement process.

i. ALTERNATIVE PURCHASING METHODS

The purchasing agent shall make purchases on behalf of the City of Johnstown in one of the following methods:

- A. By competitive bids pursuant to the contract's provisions of the Pennsylvania Third Class City Code – Purdon's 53 Section 36901 et seq.
- B. By direct quotations for the item or items in question pursuant to this Ordinance.
 1. The purchasing agent may seek to obtain ad-hoc quotations from at least three vendors for goods or services needed by the City. Should two or more vendors decline to quote, the purchasing agent shall continue to contact vendors until the City has either received at least two quotations or the purchasing agent has concluded that further contact of potential vendors will be useless.

2. For direct quotes, the purchasing agent shall prepare a clear and accurate specification for the needed good or service and shall obtain the quotations in writing, in a personal meeting, or by telephone, from the potential vendors. When procuring a quotation by telephone or in a personal meeting, the purchasing agent shall record each vendor's firm name, name of the person making the quote, a detailed description of the item, the price, warranty, delivery information, and other matters.
- C. By intergovernmental cooperation with other local governments, a council of governments, the State of Pennsylvania, the Federal Government, or other public body which has utilized lawful procurement practices and is making the goods or services available to the City at a pro-rate cost or better.
 - D. By obtaining the item or items through a purchase agreement from a designated preferred supplier.
1. When the City anticipates needing an unpredictable number of common-category items, the precise quantities and descriptions of which cannot be foretold (e.g. paints, lumber, electrical supplies, plumbing supplies, etc.) the purchasing agent may seek competitive proposals applicable to an entire inventory category supplied by such a general class of vendors. The said proposals would be in the form of a discount below the listed prices normally charged to the typically non-quantity customer for a states period of time or for a particular project. In considering this type of proposal, the purchasing agent shall consider:
 - a. The vendor's catalogs or pricing sheets which list prices normally charged in the category of goods.
 - b. The quotes percentage of discount from the catalog or pricing sheets to be allowed to the City by the vendor for its period in questions.
 - c. The general availability of the materials either in the vendor's immediate inventory or through other means of timely acquisition and distribution.
 2. The purchasing agent shall not commit the City to a preferred purchase arrangement if the anticipated total costs applicable to the category of the purchases is expected to exceed \$10,000 or more during the forthcoming 12-month period.
 3. The purchasing agent may choose a preferred vendor for a defined period of time up to one year and award all of the City's business pertaining to that category to the preferred vendor. The preferred vendor shall furnish all of the items in the category to the City unless:
 - a. The preferred vendor does not have a needed item or set of items in stock or cannot make a timely delivery to the City.

- b. The vendor's place of business is closed, and the item is needed immediately.
- c. There is a genuine emergency, and item is immediately needed, and it is infeasible to acquire the item from the preferred vendor.

E.G.——By designating a vendor to supply a manufacturer's line of goods or equivalent.

- 1. The purchasing agent may designate certain categories of goods used repeatedly by the City which are to be purchased from a successful vendor who has offered price quotations to remain in effect for stated periods of time or until market conditions change. Examples shall be such things as: oil filters, fan belts, spark plugs, tires, bolts or other fasteners, stationary, and janitorial supplies.
- 2. The purchasing agent may designate several representative sizes or types of such goods by a leading manufacturer's part or catalog number, but any quotations sought shall also seek other manufacturers' equivalents. "Equivalent" shall mean an item equal in size, function, warranty, and quality supplied by one manufacturer to that supplied by another. Approximate quantities of need will also be indicated.
- 3. When this method of purchasing is used, the purchasing agent shall acquire all of the category of goods from the vendor whose standing quotation including the discount affords the least overall cost to the City.

F. By unsolicited proposal.

- 1. To encourage vendors of goods and services to promote innovative improvements in the way the City operates, a vendor or potential vendor may submit an unsolicited proposal for an item, process, or technique which has never been used by the City.
- 2. After carefully reviewing an unsolicited proposal, the City may summarily accept it provided the acceptance does not violate any other City ordinance or state or federal law or regulation. Such a proposal must:
 - a. Be completely unsolicited by any officials or employee of the City
 - b. Provide for an innovation in City operations which is reasonably anticipated to lower costs, improve City services, or both.
- 3. Acceptance of any unsolicited proposal shall be reported immediately to the City Council in writing.

G. By noncompetitive negotiation.

1. "Noncompetitive negotiation" is procurement through solicitation of a proposal from only one source, or after solicitation has been attempted from a number of sources, competition is determined to be non-existent. Noncompetitive negotiation may be used when the award of a contract is infeasible under any other procurement method authorized under this Ordinance and would not violate 11 Pa. C.S. §11901.1-11901.2 ~~Purdon's 53-36901~~ et seq. or other applicable state or federal law or regulation.
2. Circumstances under which a contract may be awarded by noncompetitive negotiation are limited to any of the following:
 - a. The item is available only from a single source.
 - b. There is a public emergency, and urgency for the item or service will not permit a delay incident to any other more competitive purchasing procedure.
 - c. The Federal or State grantor agency authorizes noncompetitive negotiation in connection with a program administered by the City which is funded by the federal or state agency.
 - d. After solicitation of a number sources competition is determined to be non-existent or inadequate.

(2) A detailed master plan (or plans) has been developed for a set or sets of technological or equipment types and related software to be used by the City. Such plan or plans shall foster ease of maintenance, servicing, operation, training, the facilitation of spare-parts and related supplies, and standardize the equipment makes and types. The plan and its preparation shall be open to public scrutiny, and shall not be prepared by a vendor or agent for a vendor dealing in the equipment called for in the plan.

A separate plan may be applicable to the City's motorized fleet and equipment or sections thereof, computer and other automated data processing equipment, office equipment, radio transmitting and receiving equipment, and similar types of technology and equipment.

After being adopted by the Mayor, each such plan shall be submitted to the City Council.

Once a plan has been approved by the Mayor and has not been rejected by resolution of the City Council to be acted upon prior to or during the first regularly scheduled City Council meeting to occur after one month of its transmittal by the Mayor, the plan shall be presumed to be adopted and shall remain in effect until revised in the same manner as its original adoption.

(3) Except when mandated by State or Federal law or regulation, the purchasing agent shall have discretion to determine which category of purchase shall be utilized obtaining the various goods and services needed by the City.

j. Conflict of Interest

(1) No employee, officer or agent of the City of Johnstown or grantee or subgrantee of City funds shall participate in the selection or in the award or administration of a contract supported by City funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when the employee, officer or agent, any member of his/her immediate family, his or her partner, or an organization which employs, or is about to employ any of the above, has financial or other interests in the firm selected for award.

(2) The City's officers, employees, or agents, including those of any grantees and subgrantees of City funds shall neither solicit nor accept anything of monetary or other value from contractors, potential contractors, vendors, potential vendors, or any entity whose officers or employees are using or hope to use City controlled funds. The above prohibition shall not apply to gifts of nominal value with the firm or vendor's name appearing thereon used in advertising the firm.

(3) Violation of the foregoing conflict of interest or gratuities standards by an officer, employee or agent shall result in one or more of the following disciplines:

- A. A written warning or reprimand.
- B. Suspension without pay for specified periods of time.
- C. Termination of employment.

(4) These provisions shall not be construed as impairing any civil or criminal action against the offending party, nor shall they be construed as relieving the offending party of any responsibility under federal or state law.

k. PUBLICATION AND OTHER NOTICE

(1) When required by federal or state law or regulation, the purchasing agent shall cause the required legal notice or other advertising to be published or otherwise posted or promulgated.

(2) If there is no mandated publication required by law, the purchasing agent may cause a notice to be published or otherwise promulgated if he or she has reason to believe such publication or notice will enhance competition and thereby reduce expenditures sufficiently to justify the cost of the notice.

(3) The purchasing agent may develop and use special forms of notice of the material and service needs of the City to include but not be limited to: a bulleting board, leaflets, computer-to-compute transmissions, media announcements of all sorts, and vendor solicitation lists for categories of goods or services.

l. PROTEST PROCEDURES

(1) The City of Johnstown will provide a hearing to any vendor or potential vendor or contractor or potential contractor which files a formal written protest alleging the City has erred in the administration of this Ordinance and the error has injured the protesting party.

(2) The hearing shall be conducted by the City Solicitor, Assistant City Solicitor, or by a hearing officer designated by the City Solicitor.

(3) The hearing may be formal or informal. The degree of formality shall be determined by the City Solicitor to be appropriate under the circumstances.

(4) If the hearing officer determines the City purchasing agent or other City official has erred, a recommended order shall be submitted in writing to the City official empowered to implement the order.

(5) If the City official refuses to implement the recommended order of the hearing officer, he or she shall answer the order in writing stating why the recommended order will not be implemented. If the order remains not implemented by action of the City administration after consultation with the City Solicitor, the matter shall be considered closed insofar as the City is concerned, and any further action by the aggrieved party shall be in the judicial system of the Commonwealth.

m. PERFORMANCE AUDIT

As part of the annual post audit done by an independent accounting and auditing firm, there shall be a performance audit of the administration of the purchasing program of the City which shall include, but not be limited to:

1. The following of the procedures defined in this Ordinance and other applicable law and regulations.
2. Any suggestions for administrative improvement.
3. Any suggestions for revisions to this Ordinance.

n. Relationship of Purchasing System to Accounting System.

The purchase order system shall be made to relate to the accounting system of the City. Prior to each purchase order or contract being finalized, the full amount of the order shall be encumbered against the appropriate budgetary account or accounts. After goods or services are received and the invoice is paid, the encumbrance shall be eliminated and the amount paid shall be included in the expenditures for the proper account or accounts.

o. Further Procedures and Regulations. To further the purposes of this section the Purchasing Agent may develop and communicate additional rules, policies, procedures, and forms not in conflict with this Code. These may include, but not be limited to, the following:

- (1) Delegation of authority to make certain purchases.
- (2) Level of authority for requisitions.
- (3) Leases.
- (4) Stocked materials.
- (5) Stocked materials budget. Inventory control:
 - A. Records
 - B. Receipts and Issues
 - C. Balances
- (6) Qualified vendor lists.
- (7) Requests for quotations and sealed bids.
- (8) Blanket purchase orders.
- (9) Emergency purchases.
- (10) Afterhours, weekend, and holiday purchases.
- (11) Requisition status and expediting.
- (12) Receipt of purchases, discrepancies.
- (13) Remedies for non-performance.
- (14) Sale of surplus materials.
- (15) Shipping materials.
- (16) Compliance with Federal and Pennsylvania Right-To-Know Laws.

p. PROCUREMENT STANDARDS UNDER FEDERAL AWARDS

The following procurement standards apply when procuring goods and services with federally awarded funds.

1. Conflicts of Interest No employee, officer, or agent of the City of Johnstown will participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated here in, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the City of Johnstown must neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontractors, unless the financial interest is not substantial or the gift is an unsolicited item of nominal value. Disciplinary actions will be applied for violations of such standards by officers, employees, or agents of the City of Johnstown. Because of relationships with a parent company, affiliate, or subsidiary organization, the City of Johnstown is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization and will not procure with those organizations.

2. Procurement Under Federal Awards Procurement of goods and services whose costs are charged to Federal awards received by the City of Johnstown are subject to all of the specific purchasing policies of the organization. In addition, procurements associated with Federal awards are subject to the following supplemental policies:

a. The City of Johnstown will avoid acquisition of unnecessary or duplicative items. Consideration will be given to consolidating or breaking out procurements to obtain a more economical purchase.

b. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.

c. The City of Johnstown will consider entering into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services and using Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.

d. The City of Johnstown will award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

e. The City of Johnstown will maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejections, and the basis for the contract price

f. All procurement transactions will be conducted in a manner providing full and open competition. All prequalified lists of persons, firms, or products which are used in acquiring goods and services will be current and include enough qualified sources to ensure maximum open and free competition. Potential bidders will not be precluded from qualifying during the solicitation period.

g. All solicitations will incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product, or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equivalent" description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated. All solicitations will also identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

h. All necessary affirmative steps will be taken to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

i. A cost or price analysis will be performed in connection with every procurement action in excess of the Simplified Acquisition Threshold (\$250,000) including contract

modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, the City of Johnstown will make independent estimates before receiving bids or proposals.

j. All procurement files will be made available for inspection upon request by a Federal awarding agency.

k. All contracts will require the contractor to certify in writing that it has not been suspended or disbarred from doing business with any Federal agency.

3. Method of Procurement The City of Johnstown will use one of the following methods of procurement:

a. Procurement by micro-purchases. Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed \$10,000 (or \$2,000 in the case of acquisitions for construction subject to the Davis-Bacon Act). To the extent practicable, the non-Federal entity must distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations of the non-Federal entity considers the price to be reasonable.

b. Procurement by small purchase procedures. Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the Simplified Acquisition Threshold. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources.

c. Procurement by sealed bids (formal advertising). Bids are publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest price. All purchases in excess of \$10,000 shall be made by obtaining oral or written quotations from at least two responsible contractors. All purchases of at least \$25,000, but less than \$100,000, shall be made by obtaining written quotations from at least three responsible vendors. All purchases of \$100,000, or more shall be made by obtaining competitive proposals from at least three responsible vendors. Sealed bids shall be utilized when required by the Federal awarding agency. In order for sealed bidding to be feasible, the following conditions will be present:

1. A complete, adequate, and realistic specification or purchase description is available;

2. Two or more responsible bidders are willing and able to compete effectively for the business;

3. The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

If sealed bids are used, the following requirements apply:

1. The invitation for bids will be publicly advertised and bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids;

2. The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;

3. All bids will be publicly opened at the time and place prescribed in the invitation for bids;

4. A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and

5. Any or all bids may be rejected if there is a sound documented reason.

d. Procurement by competitive proposals. The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:

1. Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical;

2. Proposals must be solicited from an adequate number of qualified sources;

3. The non-Federal entity must have a written method for conducting technical evaluations of the proposals received and for selecting recipients;

4. Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and

5. Competitive proposal procedures for qualifications-based procurement of architectural/ engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensations. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

e. Procurement by noncompetitive proposals. Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:

1. The item is available only from a single source;

2. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;

3. The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity; or

4. After solicitation of a number of sources, competition is determined inadequate.

4. **Suspension and Debarment** The City of Johnstown will review all grant purchases to verify that purchases will not be made against contractors that are on the Debarment or Suspension list supplied by the Government. The City Manager/Finance Director will review all requisition requests submitted for all grant accounts to make sure the contractor is not on the debarment list. This list is available at – <https://www.sam.gov/>. If a match is found, the Public Works Director will be notified directly and the City Manager/Finance Director will not process the requisition. All results of searches will be attached to the filed paperwork for verification of search.

5. **Provisions Included in all Contracts** It is the policy of the City of Johnstown to include all of the following provisions, as applicable, in all contracts (including small purchases) with contractors and subawards:

a. Remedies: All contracts in excess of the small purchase threshold fixed at 41 U.S.C. 403(11) (currently \$150,000) shall contain contractual provisions or conditions that allow for administrative, contractual, or legal remedies in instances in which a contractor violates or breaches the contract terms.

b. Termination: All contracts in excess of \$10,000 shall contain suitable provisions for termination by the City of Johnstown, including the manner by which termination shall be affected and the basis for settlement. In addition, such contracts shall describe the conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated due to circumstances beyond the control of the contractor.

c. Equal Employment Opportunity: All contracts shall contain a provision requiring compliance with E.O. 11246, "Equal Employment Opportunity", as amended by E.O. 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity", and as supplemented by regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor".

d. Davis-Bacon Act, as amended (40 U.S.C. 3141-3148): If included in the federal agency's grant program legislation, all construction contracts of more than \$2,000 awarded by the City of Johnstown and its subrecipients shall include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 276a to a-7) and as supplemented by Department of Labor regulations (29 CFR part 5, "Labor Standards Provisions Applicable to Contracts Governing Federally Financed and Assisted Construction"). Under this Act, contractors are required to pay wages to laborers and mechanics at a rate not less than the minimum wages specified in a wage determination made by the Secretary of Labor. In addition, contractors shall be required to pay wages not less than once a week. It is the policy of the City of Johnstown to place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation and the award of a contract shall be conditioned

upon the acceptance of the wage determination. The City of Johnstown shall also obtain reports from contractors on a weekly basis in order to monitor compliance with the Davis-Bacon Act. The City of Johnstown shall report all suspected or reported violations to the Federal awarding agency.

e. Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333): [Where Applicable] All contracts awarded by the City of Johnstown in excess of \$100,000 for contracts that involve the employment of mechanics or laborers shall include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

f. Rights to Inventions Made Under a Contract or Agreement: Contracts or agreements for the performance of experimental, developmental, or research work shall provide for the rights of the Federal Government and the City of Johnstown in any resulting invention in accordance with 37 CFR part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts, and Cooperative Agreements", and any implementing regulations issued by the awarding agency.

g. Clean Air Act (42 U.S.C. 7401-7671q and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended: Contracts and subawards of amounts in excess of \$150,000 shall contain a provision that requires the recipient to agree to comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.). Violations shall be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

h. Debarment and Suspension (E.O.s 12549 and 12689): For all contracts, the City of Johnstown shall obtain from the contractor a certification that neither the contractor nor any of its principal employees are listed on the Excluded Parties List System in SAM.

i. Byrd Anti-Lobbying Amendment (31 U.S.C. 1352): For all contracts or subgrants of \$100,000 or more, the City of Johnstown shall obtain from the contractor or sub-grantee a certification that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant, or any other award covered by 31 U.S.C. 1352. Likewise, since each tier provides such certifications to the tier above it, the City of Johnstown shall provide such

certifications in all situations in which it acts as a sub-recipient of a sub-grant of \$100,000 or more.

6. Record Keeping and Access Requirements

a. The record keeping and access requirements apply to all contracts funded in whole or in part with FTA funds. Under 49 U.S.C. § 5325(g), FTA has the right to examine and inspect all records, documents, and papers, including contracts, related to any FTA project financed with Federal assistance authorized by 49 U.S.C. Chapter 53. The record keeping and access requirements extend to all third party contractors and their contracts as well as subrecipients and their subcontracts. This requirement will be included in all contracts when FTA funds are used or anticipated to be used.

b. All third party and subrecipient contracts and their subcontracts shall include the following:

1. Record Retention.

The Contractor will retain, and will require its subcontractors of all tiers to retain, complete and readily accessible records related in whole or in part to the contract, including, but not limited to, data, documents, reports, statistics, sub-agreements, leases, subcontracts, arrangements, other third party agreements of any type, and supporting materials related to those records.

2. Retention Period.

The Contractor agrees to comply with the record retention requirements in accordance with 2 C.F.R. § 200.333. The Contractor shall maintain all books, records, accounts and reports required under this Contract for a period of at not less than three (3) A-4 years after the date of termination or expiration of this Contract, except in the event of litigation or settlement of claims arising from the performance of this Contract, in which case records shall be maintained until the disposition of all such litigation, appeals, claims or exceptions related thereto.

3. Access to Records.

The Contractor agrees to provide sufficient access to City of Johnstown and FTA and its contractors to inspect and audit records and information related to performance of this contract as reasonably may be required.

4. Access to the Sites of Performance.

The Contractor agrees to permit City of Johnstown and FTA and its contractors access to the sites of performance under this contract as reasonably may be required.

236.13-236.21 and 236.99 are not affected by this Ordinance and shall remain as presently codified.

236.99 PENALTIES

Penalties for violations of this Ordinance are provided in Section 202.99 of the Codified Ordinance of the City of Johnstown.

SECTION 13.12. REPEALER

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 13. EFFECTIVE DATE

This Ordinance shall become effective twenty (20) days after final passage.

PASSED FINALLY IN COUNCIL: September 9, 2026

MOTION: ARNONE SECONDED: BARBER

FIRST READ

Roll Call:

Spinelli			Brandon-Taylor			King			Arnone			Barber			Clark			Hamacek		
Y	N	A	Y	N	A	Y	N	A	Y	N	A	Y	N	A	Y	N	A	Y	N	A
			X			X			X			X			X			X		

MOTION: ARNONE SECONDED: CLARK

SECOND READ

Roll Call:

Barber			Clark			Spinelli			Brandon-Taylor			King			Arnone			Hamacek		
Y	N	A	Y	N	A	Y	N	A	Y	N	A	Y	N	A	Y	N	A	Y	N	A
✓			✓			✓			✓			✓			✓			✓		

ATTEST:

I do hereby certify that the foregoing is a true and correct copy of Ordinance No. 5383 as the same adopted by the City Council of the City of Johnstown, Pennsylvania.

Sylvia King
Rev/ Sylvia King, Mayor and or Dep. Mayor Charles Arnone

Jennifer Burkhardt
Arturo Martynuska, City Manager and or Jennifer Burkhardt, City Clerk