CITY OF ONEIDA

PURCHASING POLICY

AND

PROCEDURES

07/12

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WHEREAS, Section 104-b of the General Municipal Law requires the governing body of every municipality to adopt a procurement policy for all goods and services which are not required by law to be publicly bids, and

WHEREAS, comments have been solicited from all officers in the City of Oneida involved in the procurement process, now, therefore, be it

RESOLVED, that the City of Oneida does hereby adopt the following procurement policy which is intended to apply to all goods and services which are not required by law to be publicly bid.

PROCUREMENT POLICY FOR THE CITY OF ONEIDA

I. INTRODUCTION:

It is the policy of this City to procure goods and services necessary in performance of the City's business, as efficiently, effectively, and as economically as possible.

No purchase orders will be issued until availability of funds has been determined and approved by the Comptroller's Office.

All city departments and offices are subject to the purchasing procedures as promulgated by the Common Council and described hereafter. The City will therefore purchase all goods and services in accordance with the procedures set forth in the section entitled Procedures. Supplies used by various officers and departments should be uniform whenever consistent with operational goals in the interest of efficiency or economy.

No official or employee will be interested financially in any contract entered into by the municipality (as defined in Section 800 of the General Municipal Law and as further provided in the City of Oneida Code of Ethics). This also precludes acceptance of gratuities, financial or otherwise, by the above person, from any supplier of materials or services to the municipality. The City declares its intention to purchase competitively without prejudice and to seek maximum operational value for every dollar spent.

The City of Oneida will not be deemed responsible for commitments made circumventing these procedures.

II. PURPOSE:

To establish uniform procedures for the procurement of materials and services that are

required to support the operation of the city.

III. SCOPE:

This policy applies to all material and service procurement and related activities.

IV. AUTHORITY & RESPONSIBILITY:

Authority: The City Comptroller is authorized by the city charter to contract for and makes purchases of all supplies, materials, equipment, and services, required by any office, department, board, bureau, commission or agency of the City pursuant to rules and regulations established by the Common Council and applicable law and regulations of NY State except for professional and technical services and public works contracts. All purchases made and contracts executed by the City Comptroller will be pursuant to a signed requisition from the head of the office, department, board, bureau, commission or agency whose appropriation is to be charged.

Responsibility: It is the responsibility of each employee involved in procurement process to become familiar with these procedures and to follow their requirements; failure to do so may cause an unnecessary delay in the process.

If there are any questions or concerns relative to these procedures or the ability of the employee to respond effectively to their requirements, it is the responsibility of that employee to bring such matters to the attention of the City Comptroller/Purchasing Agent.

Every purchase to be made must be initially reviewed by the department head to determine whether it is a purchase contract or public works contract. Once that determination is made, a good faith effort will be made to determine whether it is known or can reasonably be expected that the aggregate amount to be spent on the line item of supply or service is not subject to competitive bidding, taking into account past purchases and the aggregate amount to be spent in a year. *Department Heads shall consider the reasonably expected aggregate amount of all purchase of the same commodities or service to be made within a twelve (12) month period commencing on the date of purchase when determining which procurement methodology to use. Aggregate purchase of the same commodities or service within a (12) month period are deemed a single transaction. When a Department Head can reasonably anticipate repeat purchases are necessary, the Department should select the appropriate procurement process to cover such aggregate needs, which may include a competitive bid. Purchases of services or commodities shall not be artificially divided for purpose of satisfying the discretionary buying thresholds. A change to or renewal of a discretionary purchase shall not be permitted if the change or renewal would bring the reasonably expected aggregate amount for all purchases of the same commodity or services from the same provider within the twelve month period commencing on the first purchase to an amount greater that the discretionary*

buying threshold amount.

The following items are not subject to competitive bidding pursuant to Section 103 of the General Municipal Law:

1. Purchase contracts less than $20,000 and public works contracts less than $35,000.

2. An emergency purchase - General Municipal Law, Section 103 (4).

3. Goods purchased from agencies for the blind or severely handicapped.

4. Purchase contracts through NYS or Madison County Contracts (or contiguous counties) when approved through a Common Council resolution.
5. Surplus and secondhand purchases from another government entity.

The decision that a purchase is not subject to competitive bidding will be documented in writing by the individual making the purchase. This documentation may include written or verbal quotes from vendors, a memo from the purchaser indicating how the decision was arrived at, a copy of the contract indicating the source which made the item or service exempt, a memo from the purchaser detailing the circumstances which led to an emergency purchase, or any other written documentation that is appropriate.

All goods and services will be secured by use of written requests for proposals, written quotations, verbal quotations, or any other method that assures that goods will be purchase at the lowest price except in the following circumstances:

1. Purchase contracts more than $20,000 and public works contracts more than $35,000.

2. Goods purchased from agencies for the blind or severely handicapped pursuant to Section 175-b of the State Finance Law.

3. Goods purchase from correctional institutions pursuant to Section 186 of the Correction Law.

4. Purchases under State contracts pursuant to Section 104 of the General Municipal Law.

5. Purchases under county contracts pursuant to Section 103(3) of the General Municipal Law when approved through a Common Council resolution.

6. Sole Source & Single Source goods or services. A sole source can be a manufacturer, software developer or service provider that sells direct and there are no other sources offering an "or equal". Prior to a vendor being considered a sole source, a letter on the vendor's official letterhead **must** accompany the requisition when submitted to the City Comptroller/Purchasing Agent detailing their sole source status *or proof from the Manufacturer's website that the vendor is the sole distributor.*

   A single source could be a distributor/wholesaler/retailer that has a contractual agreement for a specific territory to the exclusion of others. Prior to a vendor being considered a single source supplier, a letter on the manufacturer's official letterhead **must** accompany the requisition when submitted to the City Comptroller/Purchasing Agent detailing their single source status.

   The City Comptroller/Purchasing Agent may require the status of Sole source or Single source be approved by the Common Council.

V. PROCEDURES:

The following method of purchasing will be used when required by this policy in order to achieve the highest savings:

Procedures for the purchase of commodities, equipment, or goods:

Dollar Limit	Procedure
$1 - 2,999	At the discretion of the Dept Head.
$3,000 – 9,999	Documented telephone quotes from at least three separate vendors. (If available) * See note below.
$10,000 - 19,999	Formal written/fax quotes from at least three separate vendors. (If available) * See note below.
$20,000 and up	Sealed bids in conformance with General Municipal Law, Section 103.

One quotation (page 15) must be obtained from a local vendor, if possible. Documentation is required for each action in connection with the procurement, especially if it was not possible to obtain a quote from a local City vendor. Local City vendors may be given a *ten* percent *(10%)* price benefit for contracts less than $20,000.

* If a quote is lower than the state bid price for the same exact commodity and also under the $20,000 threshold, only one other non-state bid quote is required.

Proper documentation is required when the quotation is not awarded to the vendor giving the lowest price. Quotes will be awarded to the lowest responsible and responsive vendor. Proper documentation on the quote sheet (page 15) must be given if required number of quotes is not obtained.

Procedure for public works projects/contracts:

Dollar Limit	**Procedure**
$1 - 2,999	At the discretion of the Dept Head.
$2,999 – 10,000	Documented telephone quotes from at least three separate vendors. (If available)
$10,000 - $35,000	Formal written/fax quotes from at least three separate vendors for Formal Request for Proposal (RFP).
$35,000 and up	Sealed bids in conformance with General Municipal Law, Section 103.

One quotation must be obtained from a local vendor, if possible. In all circumstances, whenever other than the lowest quotation is awarded, there must be written documentation of the reason for the award. **UNDER NO CIRCUMSTANCES CAN A QUOTE THAT EXCEEDS THE SEALED BID LIMIT BE AWARDED**

A good faith effort will be made to obtain the required number of proposals or quotations. If the purchaser documents the attempt at obtaining the proposals or quotations, in no event will the failure to obtain the proposals be a bar to the procurement.

Pursuant to General Municipal Law Section 104-b(2)(f), the procurement policy may contain circumstances when, or types of procurement for which, in the sole discretion of the Common Council, the solicitation of alternative proposals may not be in the best interest of the city. In the following circumstances it may not be in the best interest of the City of Oneida to solicit quotations or document the basis for not accepting the lowest bid:

a. Professional services or services requiring special or technical skill, training or expertise. The individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity, and moral worth. These

qualifications are not necessarily found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures.

In determining whether a service fits into this category, the City of Oneida Common Council will take into consideration the following guidelines: (a) whether the services are subject to State licensing or testing requirements; (b) whether substantial formal education or training is a necessary prerequisite to the performance of the services; and (c) whether the services require a personal relationship between the individual and municipal officials. Professional or technical services will include but not be limited to the following: services of an attorney; services of a physician; technical services of an engineer engaged to prepare plans, maps and estimates; securing insurance coverage and/or services; printing services involving extensive writing, editing, or artwork; management of municipally owned property; and computer software or programming services for customized programs, or services involved in substantial modification and customizing of prepackaged software.

b. Emergency purchases pursuant to GML Section 103(4):

An emergency exists wherein the delay caused by soliciting quotes would endanger the health, welfare, or property of the City of Oneida, or more important the individual taxpayer. The procurement of goods or services will be at the discretion of the proper department head with documentation as to the nature of the emergency and will be submitted to the Comptroller/Purchasing agent within **two working days** of such procurement. A true emergency does not exclude the need for securing competitive pricing, only the formal bidding process. Lack of anticipation or planning cannot be deemed as a cause for declaring an emergency. An explanation of why the purchase is an emergency must accompany the purchase order.

c. Purchases of surplus and secondhand goods. Surplus and second-hand supplies, material or equipment may be purchase without competitive bidding from the federal government, the state of New York or from any other political subdivision, district or public benefit corporation. However, this exception does not apply to purchases from private sources. If alternate proposals are required, the City of Oneida is precluded from purchasing surplus and secondhand goods at auctions or through specific advertised sources where the best prices are usually obtained.

d. Commodities, equipment or goods less than $3,000 and public work contracts less than $3,000. The time and documentation required to purchase through this policy may be more costly that the item itself and would therefore not be in the best interest of the taxpayer. In addition, it is not likely that such contracts would be awarded on favoritism.

Any and all procedures not specifically covered in this policy will be adhered to as covered in General Municipal Law, Section 104-b.

VI. REQUESTS FOR QUOTATIONS:

Quotations will be in writing and attached to the purchase order submitted to the Comptroller's/Purchasing Agent's office. A quotation form is attached (page 14).

Quotation forms will include three vendors who can provide the item or services desired. These forms should contain a complete description of the item, the quantity desired and the unit on which the price is quoted (per gross, dozen, etc.).

In the case of an order for which a firm price cannot be obtained at the time of the order is placed (repair work, etc.), an estimate should be obtained and this figure placed on the purchase order with the notation that this is an estimate.

After three quotations have been gathered, the department head will purchase the materials from the vendor with the lowest price. (The delivery time and cost of labor and mileage will be a consideration.) Local vendors may be given a *ten* percent (10%) price benefit for contracts less than $20,000. This will be approved by the Comptroller personally in advance. Quotations for Capital Projects shall be canvassed and approved by the Common Council at which time the appropriation and expenditure of funds will be authorized. When purchasing under State contracts pursuant to Section 104 of the General Municipal Law for Capital Projects, the department head will request the Common Council to authorize the appropriation and expenditure of funds of the exact amount needed.

VII. PURCHASE ORDERS:

1. **Purpose:** Provides a formal document and authority for the purchase of goods and services. Provides documentation that goods and services have been ordered and received. Provides the necessary authority to pay vendor claims for goods and services. Initiates and substantiates various accounting processes. Provides the necessary tax-exempt sale proof needed by vendors.

2. **Frequency:** Any purchase made in the amount of $100.00 or more requires the use of a purchase order.

3. **Distribution:**

Vendor Original - Order form to be sent to the vendor.

Duplicate Copy - For department records and Receiving Copy - To be retained by the requisitioning department until the requested items are delivered or services rendered. The individual responsible for acceptance of the delivery or completion of the services would determine that it was in agreement with the request. Any discrepancies should be noted on the receiving copy of the purchase order, and it should be signed and dated. The receiving copy, with invoices and/or other paperwork should be attached for payment.

Duplicate Copy - To be retained in an open purchase order (encumbrance) file. This copy will be the basis for placing an encumbrance against the subsidiary appropriation account's unencumbered balance, and serve as support for the computerized budgetary information.

4. **Preparation:** The ordering department will complete a purchase requisition as follows:

   a. Date

   b. Vendors name and address

   c. Terms as they apply

   d. Vendor Number

   e. Description of goods being ordered with an explanation of whether the goods are supply versus equipment, etc. and where or what the goods are going to be used for (i.e. vehicle, building, program)

   f. Quantity

   g. Unit Price

   h. Extension and Total Cost

   i. Account number to be charged

   j. Department Head Signature

   k. Comments (resolution #, contract information, etc.)

NOTE: Separate Purchase Orders must be prepared if the purchase is being made from an operating fund and capital fund (e.g. water and capital).

5. **Responsibility:** In **ALL** instances, purchase orders are to be completed **and approved by the Comptroller's Office before** a purchase is made. The sole exception: emergency purchase orders described earlier which allows for the purchase order to be requested within two working days of such emergency.

6. If the Comptroller's Office determines that insufficient or no appropriation balance is available when processing a purchase order, the purchase order will be returned to the originating department. A budget modification (transfer) or amendment must be approved by the Common Council before the purchase order can be processed. The budget modification should be accompanied by a statement containing the following information:

   a. Amounts available for transfer, i.e., contingent account, other unneeded appropriation balances or unappropriated cash surplus.

   b. Any unanticipated revenues -- state, federal, insurance recoveries, gifts not previously appropriated.

7. All purchase orders must be approved by the Comptroller's Office before the purchase is made.

If at any time a department finds they will exceed the competitive bidding threshold for a particular product or service, they should notify the Comptroller/Purchasing Department to allow time for the formal bid process to be completed to meet their anticipated needs.

When canceling an order: Attach a copy of correspondence with the company to a copy of the purchase order and send to the Comptroller's Office.

Requests for Transfers: The Comptroller's Office will notify the department head of the unavailability of funds. To request an increase in appropriations, the department head should proceed as follows:

1. The request for transfer, or increase in appropriations, should be in writing and directed to the Common Council with an explanation of why the transfer is needed.

2. The amount needed and the budget account code involved must be indicated.

The Department Head should make a written request for approval to the Comptroller. After accumulation of all related information, the Comptroller will submit the request to the Common Council for action. After approval by the Common Council, the Department Head will resubmit the purchase order.

The Comptroller will make the appropriate adjustments to records, encumber the amount of the purchase order and certify to the availability of funds.

THE CITY OF ONEIDA WILL NOT BE RESPONSIBLE FOR PURCHASES MADE WITHOUT PRIOR AUTHORIZATION FROM THE COMPTROLLER EXCEPT AS OTHERWISE STATED HEREIN.

VIII. BLANKET PURCHASE ORDERS:

1. **Purpose:** To eliminate the necessity for the issuance of separate orders for groups of items which are purchase frequently from the same vendor. To permit the department to purchase items for small repair or replacement items, stock replenishment of the expendable supply store and/or contract/bid items for various bulk items needed on a monthly basis. **Note:** This does not permit a department head to purchase stock for a month, etc., but merely allows department heads to purchase so that they do not run out of a necessary item.

   The aggregate (total) for items of the same description or use will not exceed $20,000 per annum.

   Those items normally used in a day to day operation include: hardware, plumbing, supplies, electrical supplies and automotive parts.

2. **Frequency:** Issued monthly to various vendors for the purchases of those items considered to be of an immediate need or for purposes of consolidating purchases. **EQUIPMENT IS NOT TO BE PURCHASED ON A BLANKET PURCHASE ORDER.**

3. **Distribution:** Same as regular purchase orders.

4. **Preparation:** Same as regular purchase orders.

5. **Responsibility:** The amount and period of the blanket purchase order will be determined by the respective department head. It should be based on information available in the records covering previous fiscal years and present

departmental needs. The department **MUST** keep a record of the purchases made to insure that they do not exceed the amount allowed by the blanket purchase order. Any over expenditure, depending on the circumstances, may not be approved for payment. If it appears that the amount on the blanket purchase order may not be sufficient to cover the time period allowed, the Comptroller's Office must be informed immediately and the purchase order will be amended.

When supply are delivered or picked up, receipts, delivery slips, or other documents transmitted by the vendor will be signed by the individual receiving the supplies. The blanket purchase order number **MUST** also be placed on the documents which will then be attached to the receiving copy of the purchase order and forwarded to the Comptroller's Office at the end of the period for which the blanket order was issued.

An additional purchase order will **not** be issued **"After the fact"** to cover overages. The department head will submit the additional invoices causing the overage to the Comptroller's Office accompanied by a voucher with an explanation as to why more accurate records were not maintained in relation to the blanket purchase order.

IX. YEAR-END PURCHASE ORDERS:

All purchase requisitions MUST be submitted to the Comptroller's office no later than December 1 each year. After December 1, only EMERGENCY* purchase requisitions will be accepted. Purchase requisitions must be done for the emergency purchase REGARDLESS of the amount. Those purchase requisitions will be scrutinized and followed to the letter of the purchasing policy as it relates to what is actually an **emergency.** There will be NO EXCEPTIONS.

X. CONFIRMING PURCHASE ORDERS:

1. **Definition:** To provide a purchase order number in cases where necessity for immediate action exists.

   a. **Emergency:** General Municipal Law #103 (4) clearly states, "in case of a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property or the life, health, safety or property of the inhabitants require immediate action."

   The Comptroller/Purchasing department will **not** approve an emergency

purchase order when the purchase is not justified, where the purchase is being made to circumvent established procedures, or where there is a lack of proper planning.

2. **Procedure:** When a department has an urgent situation, the following procedure will be followed:

   a. The ordering department will verify necessary, budgetary appropriation **OR** obtains needed approval from the Comptroller during normal business hours and will verbally be issued a purchase order number (if the emergency exists during normal business hours).

   b. The ordering department will contact the Comptroller's office immediately, if it is a business working day and business working hours who will verbally assign a purchase order number. The ordering department will advise who the vendor is, the estimated cost, and the nature of the urgency.

   c. The ordering department prepares the confirming purchase requisition and provides the regular distribution. The purchase order will be marked "confirmation."

   d. Justification for the use of a confirming purchase order will be in **writing** and will be attached to the confirming purchase order within two working days of the actual order.

   e. The individual who picks up the item or items from the vendor must obtain an extended invoice containing:

      1. Quantity and description of items purchased.

      2. The unit and total cost.

      3. The purchase order number.

      4. The signature of the person receiving the goods.

3. **Responsibility:** The need for justifying such action is the responsibility of the department head. **LACK OF PROPER PLANNING** will not be considered a valid reason for this process.

   Improper use of confirming orders will be discussed with the department head. If there is continued abuse, it will be brought to the attention of the Mayor and

Common Council.

XI. EXCEPTIONS TO PURCHASING SYSTEM:

There are certain expenditures for which the processing of a purchase order is unnecessary. "Over papering" can ruin the effectiveness of the system almost as quickly as noncompliance. The following **should** be made without purchase orders:

A. Contracts for personal service.

B. Employee expenses such as conference mileage, and other reimbursable expenses in performance of day-to-day duties.

C. Reimbursement of petty cash funds.

D. Utility Bills.

E. Service contracts for a fixed monthly or annual amount.

F. Interdepartmental charges.

G. Medical examinations.

H. Legal Notices.

I. Postage meter costs.

J. Subscriptions.

XII. RECEIVING OF GOODS

After merchandise or service is received by the ordering department, the following will take place:

A. Receiving department acknowledges that the goods were received in good condition by writing such on the packing slip.

B. Receiving person must sign and date packing slip.

Ordering department submits invoice and vouchers to Comptroller's Office for payment processing and audit by the Common Council. Also packing and

delivery slips and copy of purchase order must be attached to the voucher in order to be processed.

XIII. BIDDING REQUIREMENTS

General Municipal Law Section 103 and 104-b require annual purchase contracts exceeding $20,000 and public works contracts exceeding $35,000 be awarded to the lowest responsive/responsible bidder meeting the intent of the specifications after public advertising for sealed bids. (The term "public works contracts" applies to items or projects involving labor or both material and labor.)

Competitive bidding is required when it is known or can be reasonably be expected that the aggregate amount to be spent on equipment or supply items will exceed $20,000 in a fiscal year. Supply items of a similar nature which are generally handled by one vendor should be grouped together for the purpose of determining whether the limit is exceeded.

It is the responsibility of the department head to identify the purchases to be made by his/her department in a fiscal year that will exceed the monetary limits stated above and to initiate the competitive bidding process by contacting the Comptroller/Purchasing Agent.

XIV. PROCEDURES FOR BIDDING

A. The requesting department obtains from the Common Council permission to bid the item, commodity, material, or equipment.

B. Detailed specifications for the commodity or equipment should accompany the request. (Note: Specifications should be written by the requesting department head.) The Comptroller/Purchasing Agent will see that the specifications comply with the General Municipal Law requirements.

C. The Comptroller will establish a date for the opening and reading of the bids per the General Municipal Law.

D. The requesting department head will arrange for the legal notice to be printed in the official newspaper of the City.

E. Awarding the bids by the Common Council will take place after consultation with the department head and the research of the bids to make sure that the bidders have complied with the specifications, and that the General Municipal Law has been adhered to.

F. The bid will be awarded to the lowest responsive and responsible bidder.

Departments should allow four to six (4-6) weeks for the bid process.

Conflict of Interest

Any City Officer or employee who has, will have, or acquires an interest in, any actual or proposed contact with the City of which he/she is an officer or employee, shall publicly disclose the nature and extent of such interest in writing to the Comptroller as soon as he/she has knowledge of an actual or prospective interest. This written disclosure will be made part of the official minutes of the Common Council. **If an officer or employee has a reason to believe that he/she may have a conflict of interest, the office of the City Attorney should be contacted immediately.**

Standardization

General Municipal Law Section 103 makes it possible for the City to standardize on a particular type of material or equipment. A resolution approved by the Common Council shall state that for reasons of efficiency or economy there is a need for standardization.

The resolution shall contain a full explanation supporting such action.

The adoption of such a resolution does not eliminate the necessity for conformance to the competitive bidding requirements. Standardization, restricts the purchase to a specific model or type of equipment or supply, but does not limit the vendors it can be purchased from.

QUOTE FORM

(LOCAL CITY VENDOR) YES __ NO __ If No, please explain: _____

QUOTE #1

Vendor/Company Name: _____
Phone #: _____ Date Contacted: _____
Person Giving Quote: _____
Item Description:_____
_____
Delivered Price: _____
(Include Labor and Mileage, if Applicable.)
Delivery Date: _____
Period of Time Quoted Price is in Effect: _____
Quote Received By: _____
Department: _____

QUOTE #2

Vendor/Company Name: _____
Phone #: _____ Date Contacted: _____
Person Giving Quote: _____
Item Description:_____
_____
Delivered Price: _____
(Include Labor and Mileage, if Applicable.)
Delivery Date: _____
Period of Time Quoted Price is in Effect: _____
Quote Received By: _____
Department: _____

QUOTE #3

Vendor/Company Name: _____
Phone #: _____ Date Contacted: _____
Person Giving Quote: _____
Item Description:_____
_____
Delivered Price: _____
(Include Labor and Mileage, if Applicable.)
Delivery Date: _____
Period of Time Quoted Price is in Effect: _____
Quote Received By: _____
Department: _____

Signature _____

Attachment A

CITY OF ONEIDA
Municipal Credit Card Holder Agreement

Requirements for Use of a Municipal Credit Card:

1. The credit card is to be used only to make purchases at the request of, and for the legitimate business benefit of, the City of Oneida.

2. The credit card must be used in accordance with the provisions of the Municipal Credit Card Use Policy established by the City of Oneida, as attached hereto.

3. Violations of these requirements may result in revocation of use privileges. Employees found to have inappropriately used the credit card will be required to reimburse the City of Oneida for all costs associated with such improper use through direct payment or payroll deduction. Disciplinary action(s) may be taken per the City's Personnel Policies, up to and including termination. The City of Oneida will investigate and commence, in appropriate cases, criminal prosecution against any employee found to have misused the credit card or who violates the provisions of the Municipal Credit Card Holder Agreement.

Credit Card Number: _____

Received By: _____

I acknowledge receipt of the attached Municipal Credit Card Use Policy and agree to abide by said Policy.

_____
Signature

_____
Date

FOR EXECUTION BY CITY CHAMBERLAIN'S OFFICE ONLY: Credit Card Returned

_____
Authorized Signature

_____
Date