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TOWN COUNCIL

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TOWN OFFICIALS

MARY ANN HERNY, CLERK-TREASURER

**RESOLUTION NO. R2025-3
ADOPTION OF A PURCHASING POLICY**

WHEREAS, the Town of Ulen seeks to establish clear and consistent guidelines for the procurement of goods and services to ensure responsible financial management;

WHEREAS, the Town Council has reviewed the proposed attached Purchasing Policy, which outlines general purchasing objectives and procedures, required documentation, payment methods, vendor management, monitoring and evaluation, and compliance with Indiana Code;

WHEREAS, the Purchasing Policy aligns with *Ordinance No. 02000-1*, which grants the Clerk-Treasurer authority to process certain payments prior to Town Council review, and *Ordinance No. 2024-2*, which authorizes the use of credit cards for Town purchases;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of Ulen, Indiana, that:

1. The *Town of Ulen Purchasing Policy*, as presented by the Clerk-Treasurer, is hereby adopted and shall govern all procurement activities.
2. The Clerk-Treasurer shall ensure compliance with the policy and maintain proper documentation of all purchasing activities.
3. The Town Council shall periodically review the policy and make amendments as necessary to align with best practices and state regulations.

PASSED AND ADOPTED by the Town Council of Ulen, Indiana, this April 22, 2025.

Mark Ransom, Council President

Jennifer Jones, Council Member

Sheryl Cassis, Council Member

Mary Ann HERNY, Clerk-Treasurer

Town of Ulen

Purchasing Policy

Adopted April 22, 2025

Developed by the Ulen Town Council
4-21-2025

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Section 1: Purpose and Objectives

The purpose of this policy is to establish clear and consistent guidelines for the procurement of goods and services on behalf of the Town. This policy aims to ensure that taxpayer funds are utilized efficiently, responsibly, and transparently, while fostering public trust in the town's financial management.

By adhering to fair and competitive procurement practices, the town seeks to achieve the best value for its expenditures and to uphold the unique character, history, and livability of the community. This policy underscores the Town's commitment to accountability, ethical standards, and the prudent stewardship of public resources in service to its residents and its historic district identity.

Scope

This purchasing policy applies to all procurement activities conducted by the Clerk-Treasurer and the members of the Town Council. It governs the purchase of goods and services made on behalf of the Town, ensuring consistency and compliance with established guidelines.

Ethical Standards

All individuals involved in the procurement process for the Town of Ulen must uphold the highest ethical standards to ensure integrity, fairness, and public trust. The following principles guide all purchasing activities:

- **Integrity and Impartiality:** Town officials, employees, and representatives must act with integrity, fairness, and impartiality in all procurement transactions to promote public confidence in the process.
- **Conflict of Interest:** Employees, officials, and representatives must avoid any situation where personal interests could conflict with their duties. Any actual or perceived conflicts of interest must be disclosed promptly to the Town Council, and individuals are encouraged to voluntarily recuse themselves from the relevant procurement process.
- **Prohibition of Personal Benefit:** Town officials, employees, and contractors are prohibited from using their positions for personal gain or benefiting directly from town purchases. Accepting gifts, favors, or incentives from vendors or potential vendors that could influence or appear to influence purchasing decisions is strictly prohibited.
- **Transparency and Accountability:** All procurement activities must be conducted openly and documented thoroughly to ensure accountability and public confidence.
- **Vendor Ethics:** Vendors are expected to adhere to ethical business practices, and evidence of unethical behavior by vendors may result in disqualification from current and future procurement opportunities.
- **Use of Public Resources:** Town resources, including funds, equipment, and facilities, shall only be used for official purposes and not for personal gain.

- **Fair Competition:** The procurement process shall promote fair and open competition, ensuring that all vendors have an equal opportunity to participate.
- **Confidentiality:** Employees and officials must protect confidential information obtained during the procurement process and refrain from using it for personal or financial advantage.
- **Compliance with Laws:** All purchasing activities must comply with applicable Indiana state laws, including the Indiana Code and any relevant local ordinances.

Purchasing Roles and Responsibilities

1. Clerk-Treasurer:

- Serves as the primary purchasing officer for the town.
- Drafts requests for proposals and quotes and provides specifications and parameters to potential vendors as needed.
- Ensures compliance with this policy and all applicable state regulations.
- Maintains detailed and accurate records of all procurement activities.
- Reviews and approve purchases within established guidelines and limited authority established by ordinance.

2. Town Council Members:

- Identify or confirm purchasing needs as Town activities are conducted.
- Make final decisions about purchases that exceed the Clerk-Treasurer's limited authority. These decisions are reached through a formal vote in a public meeting. Approval requires consensus of at least two of the three council members.
- Review and approve all disbursements, and document this approval by signing vouchers.
- Review and approve monthly bank statements, treasurer's reports, and reconciliation activities.

3. Contractors, Consultants, or other Town Representatives:

- May assist in identifying needs, defining specifications, and assisting in development of requests for estimates for goods or services
- Follow established guidelines and seek approval for purchases through the Clerk-Treasurer

Section 2: General Purchasing Guidelines

The Town of Ulen follows Indiana Code Title 5-22 (Public Purchasing) and SBOA guidelines to ensure transparency, efficiency, and financial responsibility in procurement.

Small Purchases (Under \$50,000)

Process:

- No formal bidding required.
- The Clerk-Treasurer obtains informal quotes from vendors to ensure competitive pricing.
- Purchases must be documented with invoices and receipts.
- The Town Council reviews and approves expenditures during regular meetings.

Best Practices

- Compare at least two vendor quotes for cost-effectiveness.
- Ensure purchases align with the approved budget.
- Maintain records for transparency and audits.

Medium Purchases (\$50,000-\$150,000)

Process:

- Requires written quotes from at least three vendors.
- The Town Council must approve the purchase before proceeding.
- A purchase order may be required for tracking.
- The Clerk-Treasurer ensures compliance with Indiana Code competitive purchasing rules.

Best Practices

- Use a formal request for quotes (RFQ) to compare vendor pricing.
- Document vendor responses and selection criteria.
- Ensure contract terms are clearly defined before purchase.

Large Purchases (Over \$150,000)

Process:

- Requires a formal competitive bidding process in accordance with Indiana Code 5-22-7-5.
- The Town must publish a bid notice in accordance with state law.
- Bids must be opened publicly and evaluated based on price, quality, and suitability.
- The Town Council selects the winning bid and approves the contract.

Additional Considerations for purchases over \$300,000

- The Town must issue a public bid solicitation with a minimum two-week notice before bid opening.

- Financial security measures (such as bid bonds or performance guarantees) may be required to ensure vendor accountability.
- Cooperative purchasing may be considered if partnering with other municipalities would improve efficiency.

Best Practices

- Follow Indiana Code bidding requirements for transparency.
- Ensure contracts include clear payment terms, warranties, and dispute resolution clauses.
- Maintain detailed records for audits and compliance.

Emergency Purchases

Emergency purchases may be authorized when immediate action is required to protect public health, safety, or essential town services, in accordance with Indiana Code 5-22-10-1

- The Clerk-Treasurer may approve emergency purchases, provided:
 - The purchase is necessary to prevent harm or disruption.
 - A written explanation is submitted to the Town Council at the next scheduled meeting.
 - Documentation, including vendor receipts and justifications, is retained for auditing purposes.
- Emergency purchases are exempt from standard bidding and approval requirements but must be reported for transparency.

Cooperative Purchasing Agreements

The Town of Ulen may participate in cooperative purchasing agreements with other municipalities or government entities, in accordance with Indiana Code 5-22-4-7. Cooperative purchasing allows the Town to:

- Leverage bulk pricing through group purchasing contracts.
- Streamline procurement for cost-effective goods and services.
- Reduce administrative burden while ensuring compliance with state purchasing laws.

Cooperative purchasing agreements must be approved by the Town Council prior to execution.

SBOA also requires that all cooperative purchasing agreements be uploaded to the Gateway system to ensure proper documentation and public transparency.

Use of Preferred Vendors

- The Town may give preference to vendors with a proven record of delivering quality, reliability, and cost-effectiveness.
- Preferred vendors may be used without formal bidding if the purchase falls under small purchase thresholds (under \$50,000).
- For purchases exceeding \$50,000, preferred vendors must compete through a formal quote or bid process, unless:

- The purchase qualifies for an exception under Indiana law (e.g., professional services exemptions).
- The Town Council votes to waive the requirement for a specific, documented reason.
- The Clerk-Treasurer maintains the preferred vendor list, subject to periodic review and updates by the Town Council.

For situations not explicitly outlined in this policy, the Town will reference applicable Indiana Code statutes and consult legal counsel when necessary.

Section 3: Documentation

Required Records:

- All purchasing activities must be documented to ensure transparency and accountability.
- Required records include vendor quotes, vouchers, invoices, contracts, purchase orders (for larger purchases), and payment records.

Vouchers

- For all purchases, regardless of size, vouchers shall be prepared by the Clerk-Treasurer to document payment authorization.
- Vouchers must include supporting documentation, such as invoices, vendor quotes, or purchase orders (if applicable).
- Vouchers shall be presented to the Town Council for review and approval before payment is issued. In accordance with Ordinance O2000-1, bills that are authorized by the Clerk-Treasurer may be paid prior to obtaining Town Council signature to ensure timely payment. Vouchers for these payments must still be presented and signed at the next available Town Council meeting to ensure transparency.

Purchase Orders:

The use of purchase orders (POs) enhances financial oversight, accountability, and efficient procurement of goods and services. POs must be used for purchases exceeding \$10,000, or for smaller purchases if deemed necessary by the Clerk-Treasurer or Town Council.

Purpose and Scope

- POs serve as a formal agreement between the Town and a vendor, outlining the purchase details, including pricing, quantities, and delivery terms.
- They help prevent unauthorized spending, ensure budget alignment, and provide a clear audit trail for financial reporting

Approval Process

- The Clerk-Treasurer shall prepare the PO, ensuring alignment with the approved budget.
- Purchases requiring a PO must be reviewed and approved by a majority vote of the Town Council before issuance.
- The Town Council may authorize exceptions for urgent or emergency purchases, which must be reported at the next scheduled meeting.

Purchase Order Requirements

Each PO must include:

- Vendor Information (name, contact details, business classification)
- Description of Goods/Services (quantities, pricing, delivery details)
- Budget Allocation (funding source within the approved budget)

- Approval Signatures from the Clerk-Treasurer and Town Council
- PO Number for tracking and reconciliation purposes

Three-Way Matching & Vendor Compliance

Before payment is issued, the Clerk-Treasurer shall ensure that:

- The PO matches the approved request.
- The vendor invoice aligns with the PO terms.
- Receipt of the goods or fulfillment of the services has been confirmed.

Discrepancies must be investigated before payment, and vendors must comply with contract terms.

Record-Keeping & Auditing

- All POs shall be recorded in the town's general ledger for tracking and financial audits.
- POs and supporting documentation must be retained per Indiana Code requirements.
- The Town Council shall conduct periodic reviews to ensure adherence to procurement policies and state regulations.
- Records must be stored securely and made accessible for audits or reviews. Records may be stored electronically or in paper format.

Compliance with Indiana Code

- The Town's purchasing procedures comply with Indiana Code Title 5-22 (Public Purchasing) regarding procurement methods, competitive bidding thresholds, and financial oversight.
- The Clerk-Treasurer shall consult with state auditors or legal counsel when adopting any policy revisions affecting POs.

Section 4: Payment Methods

The following methods of payment may be used by the Town:

Check Payments

- Most payments are processed by check, issued by the Clerk-Treasurer through the Town's eChecks subscription service. Checks may be printed and mailed or sent electronically as eChecks. The Town Council President also has authority to create and sign checks in the absence of the Clerk-Treasurer, and will follow the same procedures for approval.
- The Clerk-Treasurer prepares a voucher for each claim and presents it to the Town Council for approval before issuing payment.
- Certain recurring bills, such as utility payments, may be paid directly by the Clerk-Treasurer at the time they are due to avoid late fees. These exceptions are defined by Ordinance O-2000-1.
- All check numbers are recorded in the general ledger and annotated on the associated voucher for accurate tracking and accountability.

Credit Card Use

The following credit card policies, which are in accordance with Indiana Code, govern the issuance and use of credit cards by town officials (see Code references in the Appendix).

1. Authorization:

- The Town Council must formally approve the issuance of credit cards for use in town business.
- A resolution shall define authorized cardholders, permitted uses, and spending limits.

2. Cardholders:

- Credit cards may only be issued to the Clerk-Treasurer and the Town Council President, who must sign an agreement acknowledging the terms of use.

3. Permitted Uses:

- Credit cards shall only be used for official town business, within the authorized spending limits.
- Personal use is strictly prohibited under all circumstances.
- The Clerk-Treasurer shall be notified of each intended credit card use prior to purchase to ensure that funds are available and correctly appropriated.

- No credit card purchase may exceed the established credit limit. Individual users may not request cash advances or an increased credit line unless authorized and initiated by the Clerk-Treasurer and with approval of the Town Council.

4. Reconciliation and Oversight:

- The Clerk-Treasurer shall reconcile credit card statements monthly, ensuring all charges are valid and accompanied by supporting documentation.
- The Town Council shall review monthly reconciliations during regular meetings.

5. Penalties for Misuse:

- Misuse of credit cards may result in disciplinary action, repayment of unauthorized charges, and potential legal consequences.

ACH Payments

The Town of Ulen utilizes ACH payments in compliance with Indiana Code to facilitate secure and efficient electronic transactions

1. Authorization and Setup:

- Recurring ACH payments may be used for regular obligations, such as utility bills or contracted services, if expressly authorized by the Town Council.
- One-time ACH “push” payments are permitted when immediate payment is necessary, provided they are initiated by the Clerk-Treasurer and comply with all other documentation and review requirements.
- ACH transfers must be directly related to official town business.

2. Permitted Uses:

- **”Push” ACH Payments** (town-initiated transfers) may be used for recurring expenses and one-time payments when required for timely vendor compensation. The Clerk-Treasurer may initiate one-time ACH payments without prior approval as long as the payment is within the Clerk-Treasurer’s approval authority. All ACH payments must be reported to the Town Council at the next scheduled meeting to maintain transparency.
- **”Pull” ACH Payments** (vendor-initiated withdrawals) are strongly discouraged by the SBOA and may only be made with explicit prior approval from the Town Council.

2. Documentation:

- The Clerk-Treasurer shall maintain detailed records of all ACH transactions, including recipient, amount, and purpose, in the town’s general ledger.
- Supporting documentation, such as invoices, shall accompany each transaction.

3. Reconciliation and Oversight:

- The Clerk-Treasurer shall reconcile ACH transactions monthly, noting these payments in the monthly Treasurer’s Report for Town Council review.
- The Town Council shall periodically review ACH arrangements to ensure compliance and continued necessity. The Town will consult with SBOA regarding best practices for ACH payments.

Reimbursements

To facilitate efficient operations and ensure timely acquisition of essential goods and services, the Town of Ulen permits Town Council members to make small purchases using personal funds and seek reimbursement under the following conditions:

Permissible Reimbursements:

- For Emergency Needs: When immediate procurement is necessary to avoid delays that could negatively impact Town operations or public services.
- For Preapproved Purchases: Items or services explicitly authorized by the Town Council prior to purchase.
- For Unplanned Operational Needs: Minor items required during Town Council meetings, public events, or other official functions, provided their purchase aligns with the Town’s goals and policies.
- For Travel Expenses: Travel expenses may be submitted for reimbursement with preapproval and when supported by appropriate documentation. Mileage will be reimbursed at the same rate as that currently paid by the federal government for business use of a privately owned vehicle (as of January 1, 2025 this rate is \$.70 per mile).

Non-Permissible Reimbursements:

- Large Purchases: Any purchases exceeding \$500, unless preapproved by the Town Council.
- Purchase Already Under Contract: Items that should be procured through established purchasing processes or vendors under existing contracts.
- Purchases for Personal Use: Purchases not directly related to official Town business.
- Sales Tax: Sales tax paid on purchases. Individuals should check with the Clerk-Treasurer to see if a sales tax exemption form exists, or request one and give it to the vendor, prior to making an individual purchase. The Clerk-Treasurer will make copies of the exemption form available to Council members in the Town’s shared files.

Additional Guidelines

- Documentation: Purchasers must submit detailed receipts and a written explanation of the purchase, including its purpose and relevance to Town business.
- Reimbursement Approval: All requests for reimbursement must be reviewed and approved by the Town Council and Clerk-Treasurer prior to disbursement.
- Compliance: Purchases made under this policy must adhere to all other applicable Town policies and state laws.

This policy ensures transparency, accountability, and efficient use of Town resources while accommodating the occasional need for small, out-of-process purchases by Town Council members.

Section 5: Working with Vendors

Vendor Management

Ulen's good relationships with vendors ensure that our residents receive timely, cost effective services. The following vendor management procedures should be followed:

1. Vendor Selection

- The selection of vendors shall be based on objective criteria, including cost-effectiveness, quality of goods or services, reliability, and timeliness.
- The Town of Ulen is committed to promoting fair competition and avoiding favoritism. All potential vendors shall have an equal opportunity to submit quotes or proposals.
- Vendors with prior experience working with the Town and a history of satisfactory performance may receive preference, where appropriate.

2. Preferred Vendor List

- The Clerk-Treasurer may maintain a list of preferred vendors who meet the town's standards for quality, reliability, and cost.
- To be added to the preferred vendor list, vendors must submit required documentation, such as references and proof of insurance.
- The Town Council may periodically review and update the preferred vendor list to ensure it reflects the town's current needs and priorities.

3. Contracting and Agreements

- All agreements with vendors shall be formalized in writing to ensure clarity regarding terms, pricing, and deliverables.
- Vendor contracts shall be presented to the Town Council for review and approval.
- Contracts must comply with Indiana Code and include any necessary clauses to protect the Town's interests, such as termination rights or dispute resolution provisions.
- Indiana Code has specific rules for the procurement of solid waste removal services and exceptions for legal and engineering services. There are also special purchasing methods for some situations. The town will review these exceptions carefully before beginning negotiations in these instances (see Code references in the Appendix).

Opening Vendor Accounts

To facilitate efficient purchasing and maintain financial accountability, the Town of Ulen may establish business accounts with vendors such as hardware stores, office supply retailers, and service providers.

- Business accounts allow the Town to streamline purchases, track expenses, and access potential discounts and tax exemptions.
- Establishing accounts with frequently used vendors ensures efficient procurement and reduces administrative burden.
- Business accounts may offer flexible payment terms, such as net-30 invoicing, reducing the need for immediate payments.

Account Setup

- Vendor selection and Eligibility
 - The Town identifies vendors that provide essential goods or services for town operations.
 - Vendors must meet quality, reliability, and pricing standards before an account is established.
- Application and Documentation
 - The Clerk-Treasurer submits a business account application to the vendor, providing:
 1. Town of Ulen’s legal name and tax-exempt status (if applicable).
 2. Contact details for authorized purchasers.
 3. Financial references, if required.
 - Some vendors may require a credit check or purchase history before approving an account.
- Approval and Account Terms
 - The Town Council reviews and approves business account applications before finalizing agreements.
 - The Clerk-Treasurer ensures that account terms align with budgetary constraints and purchasing policies.
 - Vendors may offer discounts, bulk pricing, or tax exemptions, which should be documented.
- Authorized Users and Spending Limits
 - Only designated officials (Clerk-Treasurer and Town Council President) may make purchases using the account.
 - Spending limits may be set to prevent unauthorized transactions.
 - Purchases must comply with Indiana Code purchasing regulations.
- Invoice and Payment Procedures
 - Vendors issue monthly invoices for purchases made on the account.
 - The Clerk-Treasurer reviews and reconciles invoices, ensuring accuracy before payment.
 - Payments are processed via check, “push” ACH transfer, or other approved methods.
- Account Monitoring and Compliance
 - The Clerk-Treasurer monitors account activity to prevent misuse.
 - The Town Council reviews account statements during regular meetings.
 - Business accounts are subject to annual review to assess continued necessity and vendor performance.

Section 6: Monitoring and Evaluation

1. **Ongoing Monitoring:**

- The Clerk-Treasurer shall monitor purchasing activities to ensure compliance with this policy and applicable Indiana Code provisions.
- All purchasing records shall be reviewed regularly to identify and address any discrepancies or issues. Errors, when detected, must be corrected as soon as possible, and notations about the correction made in the town's ledger and/or the purchase records.

2. **Periodic Reviews:**

- The Town Council shall conduct periodic reviews of procurement practices and documentation to assess alignment with policy objectives.
- Discussion of current purchasing activity and issues will occur each month during Town Council meetings. Issues that require unusual attention will be discussed and a plan of action decided. Any necessary updates to the policy shall be discussed and approved during Town Council meetings.

3. **State Board of Accounts Audits:**

- The Town shall cooperate fully with audits conducted by the Indiana State Board of Accounts, which are generally performed every four years.
- Audit findings shall be reviewed by the Town Council, and any recommended corrective actions shall be implemented promptly.

4. **Feedback and Improvement:**

- Feedback from sources such as the State Board of Accounts, Department of Local Government Finance (DLGF) field representatives, vendors, professional associations, or legal counsel shall be considered to identify opportunities for improvement.
- Proposed improvements shall be presented to the Town Council for discussion and approval.

5. **Amendment Process:**

- Amendments to this policy may be proposed by the Clerk-Treasurer or any Town Council member.
- Proposed amendments shall be discussed and approved by a majority vote of the Town Council during a public meeting.

- Once approved, amendments shall be documented and distributed to relevant parties.

Appendix A: Referenced Statutes

The following Indiana statutes were referenced in this policy document to ensure compliance with state regulations:

1. **Indiana Code Title 36 (Local Government):**

- **Section 36-1-8-11:** Governs the use of credit cards and other financial instruments by local governments.
- **Title 36-1-8 (General Provisions):** Includes rules on purchasing procedures, fiscal management, and reporting requirements.

2. **Indiana Code Title 5 (State and Local Administration):**

- **Section 5-22:** Establishes guidelines for public purchasing, including competitive bidding thresholds and procurement methods.

3. **Indiana Code Title 35 (Criminal Law and Procedure):**

- **Section 35-44.1-1-4:** Addresses conflicts of interest for public servants and defines prohibited financial interests in governmental contracts.

Appendix B: Working with the Town of Ulen: Purchasing Guidelines for Vendors

The following document may be shared with vendors as needed.

Working with the Town of Ulen:

Purchasing Guidelines for Vendors

To ensure efficient and transparent transactions, we ask all contractors and consultants to follow these purchasing guidelines:

1. Estimates, Contracts, and Purchase Orders

- **Estimates:** We ask all vendors to provide an estimate for their products and services, unless pricing is readily available on a website or in a catalog or pricing sheet.
- **Contracts:** Some services may require a contractual agreement. Contracts must be signed before work begins and should clearly outline deliverables, timelines, billing contact information and pricing. We may also request confirmation of insurance or other documents prior to beginning the work.
- **Purchase Orders:** For larger purchases, we will generate a purchase order. Please review the PO to ensure your understanding of the agreement, and reference the PO number on your invoices.

2. Invoicing

- Please submit detailed invoices for all completed work, including a breakdown of charges, dates, services provided, and your preferred contact information and address.
- If an unplanned expense occurs, you must notify us before proceeding with the work. We need advance documentation and approval of the change in order to make payment.

3. Payment Process

- The Clerk-Treasurer presents invoices to the Town Council for approval at monthly meetings, which occur on the 4th Tuesday of each month. To ensure timely payment, please submit your invoice at least 3-4 days before the next meeting occurs. To request alternative payment methods or schedules, please contact the Clerk-Treasurer.
- Payments are typically issued by our checking service, either printed and mailed or sent electronically as an eCheck. Note that postal mailing can sometimes be slow – please notify us if your payment is late.
- Advance payments are prohibited. The Town may, however, agree to partial payments if based on agreed project milestones.

4. Ethics and Accountability for Government Projects

- As a municipality we are required to conform to ethical purchasing standards. Vendors who serve municipalities are also expected to maintain ethical business practices and avoid conflicts of interest. Gifts, favors, or incentives are strictly prohibited.
- Report any discrepancies or issues with your contract or payments promptly to the Clerk-Treasurer.

5. Contacts

For any questions, please reach out to:

Attention: Clerk-Treasurer
Town of Ulen
P.O. Box 123
Lebanon, IN, 46052
ulentreasurer@gmail.com

Thank you for partnering with us to support the Town of Ulen. We value your partnership!