PERMANENT COMMUNITY IMPACT FUND BOARD

APPLICATION ADDENDUM FOR PLANNING GRANTS

This addendum is required for all planning applications

(June 2019)

PART A. GENERAL INFORMATION

Project Title: Ivins City Transportation Master Plan

1. Applicant / Organization

Name: **Ivins City**

2. Contact Person

Name: Charles Gillette
Phone: 435-634-0689 Email: **cgillette@ivins.com**

PART B. FUNDING CRITERIA

1. Procurement Process

Applicant has followed the authorized procurement process completely? ☑ Yes ☐ No

Please attach a copy of authorized procurement policy (Note: if applicant organization has not yet adopted its own procurement policy, Utah Code 63G-6a and Administrative Rule R33 apply).

2. Engaged Leadership

Has applicant worked with the Association of Government (AOG) regional planner on the application and scoping of the project?

☑ Yes ☐ No

Has applicant contacted Community Development Office staff to help complete the application or scope the project?

☑ Yes ☐ No

Is applicant currently working with your AOG regional planner on community development essentials (e.g. active planning commission, updated ordinances, capital asset inventory, etc.)? ☑ Yes ☐ No

3. Need for Plan

Is this an update to an existing plan/study? ☑ Yes* ☐ No

*If yes, how old is the existing plan/study? This is updating the last plan that was prepared in 2015 (adopted in early 2016).

Is there a legal requirement for the plan/study? ☑ Yes ☐ No

How does this project rank on the capital improvement list? (check one)

☐ Low

☐ Medium

☑ High

Please indicate the level of urgency in completing this plan/study (check one):

☐ We have time, right now
☑ Pressing but not urgent
☐ Highly time sensitive or another pending action relies on this project (please describe)
Impact fee law requires plans to be updated every 5 years.

4. Community Preparation
Please indicate the extent to which the community has prepared for this project (check one):

☐ No work or research performed yet

☐ Limited investigation

☑ Preliminary work completed (please describe:)
Scope of Work has been prepared

Is money being set aside or already budgeted for this project? ☑ Yes ☐ No

Please list other funding sources that will be used/considered in completing the project:

5. Use of Best Practices
Please indicate which of the following will be part of the planning process (check *all* that apply):
☑ Consideration of regional context
☑ Involvement of neighboring jurisdictions
☑ Integration with other internal plans (master plans, studies, etc.)
☑ AOG regional planner/CDO involvement in project
☑ Other (please describe)
There will be a public involvement with the development of the plan

Are there future projects anticipated from this plan/study? ☑ Yes* ☐ No
*If yes, please describe:
The transportation master plan identifies the projects that will be needed to meet the anticipated growth over the next 10 years.

6. Community Benefit
What percent of the community will benefit from this project? (check one)

☐ 10-25%

☐ 25-50%

☐ 50-75%

☑ >80%

7. Public Engagement Plan / Public Support
Please attach any letters of support or opposition received to date.

Please describe how you plan to collect input from community members on this project (include the number and location of meetings, communication channels, targeted audiences, and any other specific outreach planned at this time):

The public involvement plan is as follows:
- Newsletter article requesting input.
- Setup booth at Transportation Expo at the Dixie Expo Center in February 2020.
- Open House to present preliminary plans to public seeking comment.
- Various discussions will be held at City Council and Planning Commission public meetings for guidance and direction.
- Final Draft to be available for public hearing prior to City Council considering approval of plan.

Chapter 12
PURCHASING

Part 1. General Provisions

3.12.101: PURPOSE:

The purpose of this chapter is to establish a policy and procedure for purchases and payments made by the city. (Ord. 2006-27, 2006)

3.12.102: DEFINITIONS:

As used in this chapter:

BIDDING: The procedure used to solicit quotations on price and delivery from various prospective suppliers of supplies, equipment and/or contractual services.

BUILDING IMPROVEMENT: Includes any repair, maintenance or construction of city owned buildings.

BUSINESS: Any corporation, limited corporation, partnership, individual, sole proprietorship, joint stock company, joint venture, or any other private legal entity.

CHANGE ORDER: A written order directing the contractor to suspend work or make changes, which the appropriate clauses of the contract authorize, without the consent of the contractor, or any written alteration in specifications, delivery point, rate of delivery, period of performance, price, quantity or other provisions of any contract accomplished by mutual action of the parties to the contract.

CITY: When used in this chapter, refers to Ivins City.

CONTRACT: Any city agreement for the procurement or disposal of supplies, services or construction.

DEPARTMENT HEAD: That individual who administers a department or his/her designee as specified in writing to the purchasing agent or, in the absence of a department head, the city manager.

EMERGENCY CONDITION: A situation that creates a threat to public health, welfare or safety.

FIXED ASSET: Capital asset purchased for or valued at five thousand dollars ($5,000.00) or

greater.

INVITATION FOR BIDS: All documents, whether attached or incorporated by reference, used for soliciting bids.

OFFEROR: Person submitting the bid. See also definition of Responsible Bidder.

PAYMENT BOND: A contract of guaranty for the protection of each person supplying labor, service, equipment or material for the performance of the work provided for in a contract.

PERFORMANCE BOND: A contract of guaranty executed subsequent to award by a successful bidder to protect the city from loss due to the inability of the bidder to complete the contract as agreed.

PERSON: Any business, individual, union, committee, club, other organizations or group of individuals.

PROCUREMENT: Purchasing, renting, leasing, leasing with an option to purchase, or otherwise acquiring any supplies, services or construction.

PROFESSIONAL SERVICES: Services such as auditing, architects, engineers, consulting, contracts or other service providers.

PUBLIC WORKS IMPROVEMENT: Includes any repair, maintenance or construction of streets, water transportation and storage, sewer, and storm drain projects.

PURCHASE DESCRIPTION: The words used in a solicitation to describe the supplies, services or construction to be purchased and includes specifications attached to or made a part of the solicitation.

PURCHASE ORDER: Official document used in committing city funds for the purchase of supplies, equipment or services.

PURCHASING AGENT: That person duly authorized by the city manager to administer purchasing policies and regulations.

REQUEST FOR PROPOSALS (RFP): All documents, whether attached or incorporated by reference, utilized for proposal solicitation.

RESPONSIBLE BIDDER: A bidder who submits a responsible bid; who has furnished, when requested, information and data to prove that his financial resources, production or service facilities, service reputation and experience are adequate to make satisfactory delivery of the supplies, equipment or contractual services on which he bids; and who has not violated or attempted to violate any provisions of this chapter.

ROUTINE EXPENSES: Expenses such as payroll, payroll taxes and related expenses, utility bills and similar expenses, payment for previously approved leases, contracts, professional services and maintenance of city equipment and property.

SPECIFICATION: Any description of the physical or functional characteristics, or of the nature of a supply, service or construction item. It may include a description of any requirement for inspection, testing, or preparing a supply, service or construction item for delivery. (Ord. 2006-27, 2006)

3.12.103: ETHICS OF PUBLIC CONTRACTING:

(1) No person involved in making procurement decisions may have personal investments in any business entity the city contracts with, as this will create a substantial conflict between their private interests and their public duties.

(2) Any person involved in making procurement decisions is guilty of a felony if the person asks for, receives, or offers to receive any emolument, gratuity, contribution, loan or reward, or any promise thereof, either for the person's own use or the use or benefit of any other person or organization, from any person or organization interested in selling to the city. (Ord. 2006-27, 2006)

3.12.104: GREATER RESTRICTIONS PREVAIL:

In the interpretation and application of this chapter, the provisions of this chapter shall be considered as minimum requirements. Where the provisions of any statute, other regulation, ordinance or covenant imposes greater restrictions than the provisions of this chapter, the provisions of such statute, other regulation, ordinance or covenant shall prevail. (Ord. 2006-27, 2006)

3.12.105: SEVERABILITY:

If any section, subsection, sentence, clause or phrase of this chapter is for any reason to be held invalid, that section shall be severed from the chapter and shall not affect the validity of the remaining portion of this chapter. (Ord. 2006-27, 2006)

3.12.106: CONTRACTOR VERIFICATION OF EMPLOYMENT ELIGIBILITY:

(1) Purpose: The purpose of this section is to promote compliance with federal and state laws governing employment eligibility and verification of workers by entities that contract with the city.

(2) Contractor Verification:

(a) All requests for proposals and all contracts for the procurement of goods and services under this chapter shall contain the following statement:

By submitting a proposal and/or by signing this contract, contractor certifies that it does not and will not, during the performance of this contract, knowingly employ or subcontract with any entity which employs workers in violation of 8 U.S.C. §1324a. Contractor agrees to produce, at the City's request, such documents which are required to verify compliance with applicable federal and state laws. If the contractor knowingly employs workers in violation of 8 U.S.C. §1324a, such violation shall be cause for unilateral cancellation of the contract between contractor and the City. In the event this contract is terminated due to violation of 8 U.S.C. §1324a by the contractor or by a subcontractor of the contractor, the contractor shall be liable for any and all costs associated with such termination including, but not limited to, any damages incurred by the City, as well as attorney's fees.

(b) The foregoing statement shall also be accompanied by a signature line for the contractor to sign, thereby acknowledging that the contractor has read, understands, and agrees to comply with the requirements of federal and state law regarding eligibility of workers.

(3) Use Of Status Verification System: As required by section 63G-11-103 of the Utah code:

(a) Required: A contractor shall register and participate in the status verification system in order to enter into a contract with the city; and

(b) Verification Of Eligibility: The city will not enter into a contract for the physical performance of services within the state with a contractor unless the contractor registers and participates in the status verification system to verify the work eligibility status of the contractor's new employees that are employed in the state.

(c) Exception: This subsection (3) does not apply to contracts entered into prior to July 1, 2009, or that involve underwriting, remarketing, broker-dealer activities, securities placement, investment advisory, financial advisory, or other financial or investment banking services. (Ord. 2008-12, 2008)

Part 2. Purchasing Authority

3.12.201: PURCHASE ORDERS REQUIRED:

(1) A purchase order shall be used whenever goods and limited services are to be acquired by outright purchase in an amount exceeding one thousand dollars ($1,000.00), except when a purchasing card is used for purchases up to five thousand dollars ($5,000.00) with department head approval of a cost allocation report in lieu of a purchase order. The purchase order shall specify the nature of the goods or services to be acquired, the purchase price or estimate thereof, the date of the purchase, freight charges, prompt payment discounts, the delivery date, the vendor from whom acquired, the department for whom the acquisition is being made, the general ledger number assigning funding for the proposed purchase, signature of purchaser, and other information that is pertinent to

the clear understanding of the purchase. The purchase order shall incorporate by reference all the terms, conditions and specifications, if any, contained in the related request for bids. (Ord. 2009-06, 2009; amd. Ord. 2015-16, 2015)

(2) It is the policy of the city that payment for goods or services shall not be made until the goods or services have been delivered. (Ord. 2009-06, 2009)

3.12.202: DUTIES ASSIGNED:

(1) Disperse Purchase Orders: The purchasing agent shall be responsible for dispersing purchase orders, keeping records of all purchase orders, and overseeing the operations of the purchasing function in such a manner as to effectively execute procurement and property acquisition and disposition policies established by the city council by policy declaration, or by the city manager by way of administrative directive, and as incorporated in this chapter.

(2) Duties Delegated: The city manager may delegate purchasing responsibility to an employee on a temporary basis. (Ord. 2006-27, 2006)

3.12.203: AUTHORIZATION REQUIRED:

(1) Purchase orders shall require authorization as follows:

Amount	Authorization Required
Up to $5,000.00	Department head
Over $5,000.00 up to $10,000.00	Department head and city manager
Over $10,000.00 - routine expenses	Department head and city manager
Over $10,000.00 - nonroutine expenses	Department head, city manager, and city council

(2) Authorization of purchase orders for expenditures within the amounts specified above shall be made prior to the purchase of any item or service.

(3) All purchase orders for expenditures over ten thousand dollars ($10,000.00), excluding routine expenditures, shall be approved by the city council prior to the purchase of any item or service.

(4) The department head's approval on all purchase orders shall signify that there are sufficient unencumbered funds in the requesting department's appropriated budget for the purchase. (Ord. 2015-16, 2015)

3.12.204: DEPARTMENT HEAD AUTHORIZATION:

Each department head shall be authorized to purchase items costing up to five thousand dollars ($5,000.00) and to disperse and authorize use of the purchase orders, which he/she has received from the purchasing agent. (Ord. 2006-27, 2006; amd. Ord. 2015-16, 2015)

3.12.205: ROUTING:

A purchase order number shall be issued to the vendor at the time the purchase is made. (Ord. 2006-27, 2006)

3.12.206: CHECK SIGNING:

Checks for all expenditures shall be signed by the city treasurer, or in his/her absence the deputy treasurer, and the city recorder, or in his/her absence an authorized designee, after written approval of the check register by the city manager. (Ord. 2006-27, 2006)

3.12.207: PURCHASING AGENT RESPONSIBILITIES:

The purchasing agent shall periodically review lists of approved vendors, being alert to unknown vendors, vendors with names similar to other known vendors, vendors with no physical address or telephone number, vendors whose addresses match employee addresses, and certify that purchase orders are preapproved by the appropriate signatures. The purchasing agent shall determine that there are sufficient unencumbered funds in the appropriated budget for purchases requested on a purchase order. (Ord. 2006-27, 2006)

3.12.208: CITY MANAGER RESPONSIBILITIES:

(1) The city manager shall review the contents of all bank statements and review all bank reconciliations. The city manager's review shall include accounting for all checks and the sequence of checks, making sure all payees are known and recognizable, checking for alteration of any checks, being sure all checks are signed by authorized signatories, and being alert to any other unusual items. The city manager shall approve all transfers of money between city accounts.

(2) In addition, the city manager shall be alert to any changes in employee attitudes, behavior and lifestyles and shall also require all employees responsible for cash receipting, cash management, or accounting to take a minimum of five (5) consecutive days of vacation during each calendar year. In addition, the city manager shall provide an opportunity for employees to anonymously report the occurrence of fraud or other misconduct. (Ord. 2009-06, 2009)

Part 3. Bidding Requirements

3.12.301: COMPETITIVE BID REQUIRED FOR BUILDING IMPROVEMENTS:

(1) Bid Requirements: All purchases and contracts, whether by sealed bid, quotation or negotiation, shall be made on a competitive basis to the maximum practical extent, except as noted below:

Amount Of Purchase	Bid Required
Up to $1,000.00	No bid required; competitive quotes recommended
$1,001.00 to $40,000.00	Informal bids required (2 if possible)
Over $40,000.00	Formal bid required

(2) Amounts In Excess Of Forty Thousand Dollars:

(a) If the improvement is a building improvement and the estimated cost of the improvement is in excess of forty thousand dollars ($40,000.00), the city shall, if it determines to do the work, only do so by contract let to the lowest responsible bidder after publication of notice at least twice in a newspaper of general circulation printed and published in the city at least five (5) days prior to the opening of bids.

(b) The term "lowest responsible bidder" means any prime contractor who has bid in compliance with the invitation to bid and within the requirements of the plans and specifications for a construction project, who is the lowest bidder, who has furnished a bid bond or equivalent in money as a condition to the award of a prime contract and who furnishes a payment and performance bond as required by law.

(c) When the cost of a contemplated improvement exceeds the bid requirement sum, the job cannot be divided into smaller jobs to avoid having to bid the job.

(d) The purchasing agent shall send out all bids based on the information provided by the department head and shall keep a list of the date the bids were mailed and a list of the vendors to whom the bids were mailed. The purchasing agent shall also receive all bids and keep a list of the date and time they were received. Whenever practical, the

opening of the bids shall be made in the presence of the department head and the city recorder.

(3) Amounts Up To Forty Thousand Dollars But In Excess Of One Thousand Dollars: If the improvement is a building improvement and the estimated cost of the improvement is forty thousand dollars ($40,000.00) or less, but in excess of one thousand dollars ($1,000.00), the city may make the improvement without calling for bid, except as otherwise provided within this chapter.

(4) Purchases Up To One Thousand Dollars; Competitive Bid Not Required: These purchases shall be obtained by using purchase orders issued by the department head to obtain supplies and services, which have been approved as part of the budget.

(a) Written competitive bids are not required, but the department head or his/her designee is encouraged to obtain competitive quotations.

(b) The employee receiving the supplies shall sign the delivery ticket to designate that he/she obtained the supplies or services in good condition. (Ord. 2006-27, 2006)

3.12.302: COMPETITIVE BID REQUIRED FOR PUBLIC WORKS PROJECTS:

(1) Requirements: All public works projects, whether by sealed bid, quotation or negotiation, shall be made on a competitive basis to the maximum practical extent except as noted below:

Amount Of Purchase		Bid Requirement
Up to $1,000.00		No bid required - competitive quotes required
$1,001.00 to $125,000.00		Informal bids required (2 if possible)
Over $125,000.00		Formal bid required

(2) Amounts In Excess Of One Hundred Twenty Five Thousand Dollars:

(a) If the improvement is a public works project and the estimated cost of the improvement or maintenance of existing facilities is in excess of one hundred twenty five thousand dollars ($125,000.00), the city shall, if it determines to do the work, only do so by contract let to the lowest responsible bidder after publication of notice at least twice in a newspaper of general circulation printed and published in the city at least five (5) days prior to the opening of bids. The cost shall be estimated by the city engineer.

(b) The term "lowest responsible bidder" means any prime contractor who has bid in compliance with the invitation to bid and within the requirements of the plans and specifications for a construction project, who is the low bidder, who has furnished a bid bond or equivalent in money as a condition to the award of a prime contract and who furnishes a payment and performance bond as required by law.

(c) When the cost of a contemplated improvement exceeds the bid requirement sum, the job cannot be divided into smaller jobs to avoid having to bid the job.

(d) The purchasing agent shall send out all bids based on the information provided by the department head and shall keep a list of the date the bids were mailed and a list of the vendors to whom the bids were mailed. The purchasing agent shall also receive all bids and keep a list of the date and time they were received. Whenever practical, the opening of the bids shall be made in the presence of the department head and the city recorder.

(3) Amounts Up To One Hundred Twenty Five Thousand Dollars, But In Excess Of One Thousand Dollars: If the improvement is a public works project and the estimated cost of the project is one hundred twenty five thousand dollars ($125,000.00) or less, but in excess of one thousand dollars ($1,000.00), the city may make the improvement without calling for bid, except as otherwise provided within this chapter.

(4) Purchases Up To One Thousand Dollars; Competitive Bid Not Required: These purchases shall be obtained by using purchase orders issued by the department head to obtain supplies and services, which have been approved as part of the budget.

(a) Written competitive bids are not required, but the department head or his/her designee is encouraged to obtain competitive quotations.

(b) The employee receiving the supplies shall sign the delivery ticket to designate that he/she obtained the supplies or services in good condition. (Ord. 2006-27, 2006)

3.12.303: PROCUREMENT OF PROFESSIONAL SERVICES:

The procurement of professional services shall be based upon qualifications and shall be secured on a competitive basis to the maximum practical extent except as noted below:

Amount Of Contract	Request For Proposals
Up to $50,000.00 per fiscal year (Utah procurement code defines anything less than $100,000.00 as a small contract not requiring formal RFP procedures)	No RFP required; competitive quotes recommended
Over $50,000.00 in 1 fiscal year	Formal request for proposals

The city council shall approve the award of contracts for professional services exceeding ten thousand dollars ($10,000.00) in any single fiscal year. The award of contracts for professional services less than ten thousand dollars ($10,000.00) may be approved jointly by the applicable department head and the city manager. Awards shall be made to the individual or firm whose proposal is determined to be the most advantageous to the city, taking into consideration price and the evaluation factors set forth in the request for proposals. (Ord. 2013-15, 2013)

3.12.304: PURCHASE ORDERS AND CONTRACTS NOT REQUIRING BIDS:

(1) Sole Source: The restrictions contained above shall not apply in cases where purchases or contracts are for items which can only be purchased from a single or sole source manufacturer or distributor and no reasonable similar alternative exists. The purchase order shall justify the sole source exemption and shall be signed by the appropriate department head and the city manager.

(2) Contracts Not Suited To Competitive Bidding: Contracts which by their nature are not suited to award by competitive bidding shall not be subject to the competitive bidding requirements of this chapter. These contracts include:

(a) Contracts for items that can only be purchased from a single or sole source provider.

(b) Contracts for additions to and repairs and maintenance of equipment owned by the city which may be efficiently added to, repaired or maintained by only a particular person or firm.

(c) Contracts for equipment which, by reason of the training of city personnel or the inventory of replacement parts maintained by the city, is more compatible with the existing equipment owned by the city.

(3) Utilities Purchase: Utility services such as water, electric power, natural gas and telephone, except when alternative supplies or services are available.

(4) Court Fees: Witness and jury fees and other payments as may be ordered by the court.

(5) Return Of Deposits: Water deposits and other deposits collected for specific purposes may be returned upon the requirements of the deposit being met.

(6) Emergency: When a public emergency will not tolerate the delay incident to the advertising for a solicitation of bids, the department head shall determine the emergency and then file a report with the city manager. The city manager shall determine and approve the payment of emergency purchases under the following conditions:

(a) Purchases under this subsection shall be based on a need that is compelling and of unusual urgency, such as when the city would be seriously injured financially or otherwise if the personal property or services were not furnished by a certain time, and when they could not be procured by that time by means of advertising, bidding and/or solicitations of quotations as previously defined.

(b) The department for whom the emergency purchases are made shall, as soon as practical, file a written report with the city manager, which shall contain the following information:

(i) The conditions which created the emergency, and a description of the threat to the health, welfare or safety of the public pursuant to finding that an emergency existed;

(ii) The basis for the selection of the particular contractor or supplier and a description of what efforts were utilized to identify and contact alternative suppliers or contractors;

(iii) The contractor's or supplier's name and address, along with a list of the supplies, materials, services or construction procured under the contract;

(iv) Completed and signed purchase orders with attached invoices requesting payment for the emergency purchases.

(c) The city manager shall review the report submitted and, if appropriate, shall declare the condition an emergency and shall approve the report and purchase orders and authorize the payment for the emergency purchases.

(i) The city manager is empowered to declare a state of emergency, for the purposes of this chapter, when, in his/her opinion, such a condition exists, and, when the amount to be expended to meet such emergency does not exceed twenty five thousand dollars ($25,000.00).

(ii) When the city manager finds and declares an emergency, the city manager, in conjunction with the department for whom the emergency purchases are made, shall, as soon as practical, present a written report to the mayor and city council which shall contain the following information:

(A) The conditions which created the emergency, and a description of the threat to the health, welfare or safety of the public pursuant to finding that an emergency existed;

(B) The basis for the selection of the particular contractor or supplier and a description of what efforts were made to identify and contract alternative suppliers or contractors;

(C) The contractor's or supplier's name and address, along with a list of the supplies, materials, services or construction procured under the contract;

(D) Completed signed purchase orders with attached invoices requesting payment for the emergency purchases.

(iii) The city council shall review the report submitted, and if appropriate, shall ratify the city manager's declaration of the emergency condition, and shall approve the report and requisitions and authorize the payment of the emergency purchases.

(7) State Procurement Contracts:

(a) Purchases made from vendors who are under state procurement contract, when the price is that price established by the contract awarded by the state after competitive bidding pursuant to state code, or less.

(b) Purchases made from vendors who, within the past sixty (60) days, have been under state procurement contract, when the price offered is the price established by the former contract awarded by the state after competitive bidding pursuant to state code, or less.

(8) Government Goods And Services: Those goods and services made available by any federal, state or local unit of government, or association of government, and acquired in compliance with the provisions of this chapter or state code.

(9) Fringe Benefits: Purchases of services or benefits that are part of any personnel fringe benefit agreements are authorized by the city council and may be negotiated between the city manager and the service or benefit vendor.

(10) City Owned Concession Or Recreation Facility: Purchases or contracts for supplies, materials or inventory to be used for resale at any city owned and/or operated concession or recreation facility.

(11) Public Auction And Other Similar Circumstances: Supplies, materials or equipment that can be purchased at any public auction, closeout sale, bankruptcy sale or other similar sale, at a price below the market cost in the community.

(12) Exchange Of Supplies, Material Or Equipment: Exchanges of supplies, material or equipment between the city and any other entity.

(13) Utah Correctional Industries Division: Supplies, material or equipment produced by the Utah correctional industries division. (Ord. 2006-27, 2006)

3.12.305: ADVERTISEMENT, REJECTION AND EXTENSION OF BIDS:

(1) Advertisement Of Bid:

(a) The department head shall provide the purchasing agent with an appropriate advertisement or description of the item to be advertised so that the purchasing agent may formulate a bid advertisement. The purchasing agent shall then, with the concurrence of the city manager, place the advertisement in a newspaper of general circulation within the city. The request for bid shall include:

(i) A description of the material, supplies, services, personal property or construction in sufficient detail that prospective bidders should know what their obligations will be, which description may be made either in the advertisement itself or by reference to detailed plans and specifications on file with the purchasing agent;

(ii) Deadline for bids to be received;

(iii) Time and place for the opening of the bids;

(iv) Notification of the city's requirements for a bidder's good faith deposit, bid bond, or performance bond, as well as proof of liability insurance and workers' compensation insurance;

(v) An announcement that the city may reject all bids, or any part thereof;

(vi) Any other information upon which the bidder must rely in order to be a responsible bidder.

(b) Contracts shall be awarded based on competitive sealed bidding, except as otherwise provided herein.

(c) An invitation for bids shall be issued when a contract is to be awarded by competitive sealed bidding. The invitation shall include a purchase description and all contractual terms and conditions applicable to the procurement.

(d) Public notice of the invitation for bids shall be given within a reasonable time prior to the date set forth therein for the opening of bids. The notice may include publication in a newspaper of general circulation within the city within a reasonable time prior to bid opening.

"Reasonable time" for purposes of this chapter, means that a notice of an invitation for bids shall, prior to the acceptance of a bid, be published at least once a week for three (3) consecutive weeks in one or more newspapers of general circulation within the city.

(e) Bids shall be opened publicly at the time designated in the invitation in the presence of one or more witnesses (including the purchasing agent and the concerned department head when practical) at city hall, or other place designated in the invitation for bids if use of the city hall is not available or impracticable.

(f) The amount of each bid and any other relevant information specified in the bid notice, together with the name of each bidder, shall be recorded by the city recorder at the time the bids are opened. The record and each bid shall be open to public inspection.

(g) Bids shall be unconditionally accepted without alteration or correction, except as authorized in this chapter.

(h) Bids shall be evaluated based on the requirements set forth in the invitation for bids, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. Those criteria that will affect the bid price and will be considered in evaluation for award shall be objectively measurable. The criteria may include discounts, transportation costs, and total or life cycle cost. No criteria may be used in bid evaluations that are not set forth in the invitation for bids.

(i) Correction or withdrawal of inadvertently erroneous bids before or after award, or cancellation of awards or contracts based on such bid mistakes, shall be permitted in accordance with rules and regulations set out in the bid notice.

(j) After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the city or fair competition shall be permitted. Except as otherwise provided by this chapter or rules and regulations set out in the bid notice, all decisions to permit the correction or withdrawal of bids or to cancel awards or contracts based on bid mistakes shall be supported by a written determination made by the city manager or city council, depending on the value of the bid received, and in accordance with the provisions of this chapter.

(k) The contract shall be awarded with reasonable promptness by written notice to the lowest responsive and responsible bidder whose bid meets the requirements and criteria set forth in the invitation for bids. In the event all bids for a construction project exceed available budgeted funds as certified by the city recorder and the lowest responsive and responsible bid does not exceed such funds by more than five percent (5%), the city manager is authorized, in situations where time or economic considerations preclude resolicitation of bids of a reduced scope, to negotiate an adjustment of the bid price, including changes in the bid requirements, with the lowest responsive and responsible bidder, in order to bring the bid within the amount of available funds.

(l) When it is considered impractical to initially prepare a purchase description to support an award based on price, an invitation for bids may be issued requesting the submission of unpriced offers to be followed by an invitation for bids limited to those bidders whose offers have been qualified under the criteria set forth in the first solicitation.

(2) Rejection Of Bids:

(a) An invitation for bids, a request for proposals, or other solicitation may be canceled, or any or all bids or proposals may be rejected, in whole or in part, specified in the solicitation, when it is in the best interests of the city in accordance with rules and regulations set out in the bid notice or invitation. The reasons for such rejections shall be made part of the contract or bid file. (Ord. 2006-27, 2006)

(b) The city council shall have the authority to reject all bids, parts of all bids or all bids for any one or more supplies or contractual services included in the proposed contract, when the lowest responsible bid exceeds available budgeted funds as certified by the city recorder, or when the public interest will be served thereby and when permitted by

law to do so. When all bids exceed available budgeted funds and time or economic considerations preclude resolicitation of work or purchase of a reduced scope or quantity, the purchasing agent may negotiate an adjustment of the bid price, including changes in the bid requirements, with the lowest responsible bidder, in order to bring the low bid within the amount of available funds. (Ord. 2007-20, 2007)

(3) Extension Of Bids: The city manager may extend the time for opening of bids, if in his/her opinion it is in the public interest to do so. Notice of the extension shall be given to all prospective bidders by the purchasing agent in such manner as is most practical under the circumstances. Such extension shall not exceed ten (10) working days. No extension may be granted for the purpose of qualifying a bid that was delivered after the time advertised for the original opening.

(4) Late Bids: No bids shall be received or accepted at any time subsequent to the time indicated in the announcement. Any bids delivered by mail, or any other means, subsequent to the appointed time shall not be opened.

(5) Responsible Bidder: The city shall award contracts, which are required to be let by competitive bidding under this chapter to the lowest responsible bidder. The city may reject the lowest bid and accept the next lowest bid if the city determines that the lowest bid was made by a bidder who is not responsible.

(a) The city may consider any or all of the following when determining whether a bidder is responsible:

(i) Whether the bid fully complies with the invitation for bids;

(ii) The bidder's financial responsibility;

(iii) The bidder's honesty and integrity;

(iv) Whether the bidder has the skill and business judgment to complete the contract;

(v) The bidder's experience;

(vi) Whether the bidder has the facilities and equipment to complete the contract;

(vii) The bidder's conduct under other contracts, regardless of whether the contracts were with the city or with other parties;

(viii) The quality of the bidder's other work, regardless of whether the work was performed for the city or for other parties; and

(ix) Any other matter bearing on the likelihood that the bidder will promptly and efficiently perform the contract.

(b) If the city determines that the lowest bidder is not responsible, the city shall notify the bidder in writing that it is rejecting the bidder's bid. The notice shall also contain a short description of the reasons for the rejection. (Ord. 2006-27, 2006)

3.12.306: BONDS OF BIDDERS MAY BE REQUIRED:

(1) Bidders may be required to supply deposits of good faith, or bonds with sufficient sureties, in such amounts as shall be deemed adequate and approved by the city manager or city council, as set out in the bid notice, not only to ensure performance of the contract or purchase order in the time and manner prescribed, but also to save, indemnify, and hold the city harmless against losses, damages, claims, liabilities, judgments, costs, and expenses which may accrue in consequence of granting the contract or purchase order.

(2) Before any contract for the construction, alteration or repair of any public building, public work or public improvement of the city is awarded to any person, that person shall furnish to the city such bonds as are required by state code.

(3) Exceptions include repair and maintenance on city equipment and property. (Ord. 2006-27, 2006)

3.12.307: CONTRACTS REQUIRED:

(1) A contract signed by both parties is required when:

(a) Personal property is acquired by means of lease, rental or installment purchase;

(b) Personal or professional services are required by the city, except where the services are to be performed at the vendor's place of business, or where the services are for nonrepetitive repairs or maintenance, and where a purchase order has been bid or negotiated to cover said services;

(c) Consultant services are to be acquired;

(d) Real estate or any interest therein is to be acquired except:

(i) When acquired pursuant to the power of eminent domain and entry of a decree by a court of competent jurisdiction;

(ii) When acquired as a result of the filings and recording of a map or plat as required by the city subdivision ordinance;

(e) The requesting office, department, agency or city council shall so specify;

(f) The vendor requires that a contract other than a purchase order be signed by the city; and

(g) Intergovernmental, interagency and service provider agreements require participation by the city involving funding, performance or assumption of liability or risk in any form.

(2) The following procedure should be followed for all contracts for construction:

(a) Two (2) original copies of the contract document shall be prepared with all required supplemental information attached, signed by the contractor, and forwarded to the city recorder. Required attachments are:

(i) One hundred percent (100%) performance bond;

(ii) One hundred percent (100%) payment bond;

(iii) Certificate of liability insurance;

(iv) Certificate of workers' compensation insurance.

(b) The city recorder shall review the contract document and all attachments.

(c) Contracts over twenty thousand dollars ($20,000.00) shall be forwarded to the city attorney for review and approval.

(d) The city recorder shall submit the contract document with all required attachments to the mayor for signature, and attest the mayor's signature.

(e) Upon final contract approval, the city recorder shall return one original and one copy of the signed contract to the appropriate department head and retain the second original contract.

(f) The appropriate department head shall prepare the notice to proceed for the contractor and submit a copy of the notice to proceed to the city recorder for filing with the original contract.

(g) Upon completion of the project, the appropriate department head shall prepare a notice of completion and submit the notice of completion to the city recorder for filing with the original contract.

(h) No work may begin prior to final contract approval. (Ord. 2006-27, 2006)

Part 4. Inspection And Payment; Fixed Assets

3.12.401: INSPECTION OF MERCHANDISE RECEIVED:

(1) It shall be the responsibility of the department head or his designees to immediately inspect all material, supplies, equipment and personal property of any nature purchased pursuant to this chapter prior to the acceptance of the delivery.

(2) The signature of the individual conducting the inspection shall be required on all packing/delivery slips to designate that they have received and inspected the merchandise.

(3) Damaged property or items not specified on the purchase order shall not be accepted, and the nonconforming nature of the goods, together with the reason for rejection thereof, shall be noted in writing upon the delivery receipt. (Ord. 2006-27, 2006)

3.12.402: WHEN CHECKS MAY BE WRITTEN:

Checks may be written after proof of receipt or completion and an invoice for the expenditure is received. (Ord. 2006-27, 2006)

3.12.403: FIXED ASSETS:

Whenever payment is made for an acquisition costing five thousand dollars ($5,000.00) or more, the director of finance shall forthwith record said acquisition in the fixed asset inventory records of the city and shall cause a property sticker to be placed upon said asset. (Ord. 2006-27, 2006)

Part 5. Checks And Balances

3.12.501: SEPARATION OF CASH RECEIPTING AND ACCOUNTING RESPONSIBILITIES REQUIRED:

Employees responsible for cash receipting shall not be involved in accounting functions. Employees responsible for accounting functions shall not be involved in cash receipting. (Ord. 2006-27, 2006)

Part 6. Disposal Of City Property[1] (Rep. by Ord. 2010-16, 2010)

Part 7. Appeals

3.12.701: APPEALS:

(1) Any actual or prospective bidder, offeror or contractor who is aggrieved in connection with the solicitation or award of a contract may appeal to the city recorder. An appeal shall be submitted in writing within five (5) working days after the aggrieved person knows or should have known of the facts.

(2) The city recorder shall promptly issue a written decision regarding any appeal, if it is not settled by a mutual agreement. The decision shall state the reasons for the action taken and inform the protestor, contractor or prospective contractor of the right to appeal to the city manager.

(3) The city manager shall be the final appeal on the city level.

(4) All further appeals shall be handled in accordance with state code. (Ord. 2006-27, 2006)