THE CITY OF WEST JORDAN, UTAH
A Municipal Corporation

ORDINANCE NO. 25-20

AN ORDINANCE AMENDING THE 2020 WEST JORDAN CITY CODE Title 3, Chapter 1 (PROCUREMENT)

WHEREAS, the City of West Jordan ("City") adopted West Jordan City Code ("City Code") in 2020 and the City Council desires to amend Title 3, Chapter 1 of City Code; and

WHEREAS, the City Council held a public hearing on May 13, 2025, regarding the proposed amendments to Title 3, Chapter 1 of City Code; and

WHEREAS, the City Council finds and determines that it will be in the interests of the public health and welfare to amend Title 3, Chapter 1 of City Code.

NOW, THEREFORE, BE IT ORDAINED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH:

Section 1. City Code Title 3, Chapter 1 is amended as shown in Attachment A (Legislative Version) and Attachment B.

Section 2. If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

Section 4. This Ordinance shall take effect immediately upon passage. (UCA § 10-3-719)

ADOPTED by the City Council of the City of West Jordan, Utah, this 13th day of May 2025.

CITY OF WEST JORDAN

By: Chad R Lamb (May 14, 2025 18:55 MDT)
Chad Lamb
Council Chair

ATTEST:

Cindy M. Quick, MMC
Council Office Clerk

Voting by the City Council	**"YES"**	**"NO"**
Chair Chad Lamb	☒	☐
Vice Chair Kayleen Whitlock	☒	☐
Council Member Bob Bedore	☒	☐
Council Member Pamela Bloom	☒	☐
Council Member Kelvin Green	☒	☐
Council Member Zach Jacob	☒	☐
Council Member Kent Shelton	☒	☐

PRESENTED TO THE MAYOR BY THE CITY COUNCIL ON MAY 15, 2025

Mayor's Action: X Approve _____ Veto

By: _____ May 17, 2025
Mayor Dirk Burton Date

ATTEST:

_____
Tangee Sloan, CMC
City Recorder

STATEMENT OF APPROVAL/PASSAGE (check one)

X The Mayor approved and signed Ordinance No. 25-20.

_____ The Mayor vetoed Ordinance No. 25-20 on _____ and the City Council timely overrode the veto of the Mayor by a vote of _____ to _____.

_____ Ordinance No. 25-20 became effective by operation of law without the Mayor's approval or disapproval.

_____
Tangee Sloan, CMC
City Recorder

CERTIFICATE OF PUBLICATION

I, Tangee Sloan, certify that I am the City Recorder of the City of West Jordan, Utah, and that a short summary of the foregoing ordinance was published on the Utah Public Notice Website on the 20th day of May 2025. The fully executed copy of the ordinance is retained in the Office of the City Recorder pursuant to Utah Code Annotated, 10-3-711.

_____
Tangee Sloan, CMC
City Recorder

(Attachments on the following pages)

Attachments A and B to

ORDINANCE NO. 25-20

AN ORDINANCE AMENDING THE 2020 WEST JORDAN CITY CODE Title 3, Chapter 1 (PROCUREMENT)

Attachment A – Legislative Version

Attachment B - Clean Version

(See the following pages for the attachments.)

Attachment A (Legislative)

Chapter 1
CITY PROCUREMENT

3-1-1: PURPOSE AND SCOPE:
3-1-2: DEFINITIONS:
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3-1-~~17~~18: PROTESTS AND APPEALS:
3-1-~~18~~19: ETHICAL STANDARDS FOR CURRENT AND FORMER CITY OFFICERS AND EMPLOYEES:
3-1-~~19~~20: MANAGEMENT, DISPOSAL, AND DONATION OF PERSONAL AND REAL PROPERTY:
~~**3-1-20: TIE BIDS:**~~

3-1-1: PURPOSE AND SCOPE:

The purpose of this chapter is to:

(1) ~~to m~~Maximize the purchasing value and efficiencies of public funds ~~in procurement~~;

(2) ~~to p~~Provide safeguards for maintaining a procurement system of quality and integrity;

(3) ~~to f~~Foster transparency and effective broad-based competition while providing quality goods and services to the citizens and businesses of the city; and

(4) ~~to p~~Provide for the fair and equitable treatment of all ~~persons~~ who conduct public procurement and related business activities within the city.

Unless otherwise required by state or federal law, this chapter shall govern all procurement processes, contracts, and expenditures of the city on and after 12:00 noon, ~~January 6, 2020~~May 13, 2025. ~~Nothing in t~~This chapter ~~shall be construed as adopting~~does not adopt the state or federal

procurement codes or any portions therein.

Nothing in this ~~statement of purpose~~provision ~~shall~~ creates rights, interests, or causes of action against the city, its officers, agents, or employees.

3-1-2: DEFINITIONS:

The ~~D~~definitions~~, as~~ stated herein~~, shall~~ apply exclusively to this chapter ~~and is not intended to apply or conflict with like or similar definitions that may be stated in other city ordinances~~.

ADDENDUM OR AMENDMENT: A written modification or revision to any document used in the competitive solicitation process or contract document.

AGENCY CONTRACT: A contract between the city and another governmental agency to buy goods or services.

~~APPEAL: A document or set of documents that are filed in compliance with 3-1-17(B)(2).~~

APPELLANT: A person who has standing and files an appeal to an administrative law judge for review and determination of whether the purchasing manager's decision on a protest should be upheld.

APPROVED VENDOR LIST (AVL): A list of vendors that were individually evaluated by city staff and deemed qualified to perform certain services for the city in later competitive solicitations based on information submitted by the vendor in response to the city's request for a statement of qualifications.

BEST AND FINAL OFFER (BAFO): An offeror's revised terms of its proposal after initial reviews, scoring, interviews, and discussions have concluded with all offerors who have progressed through the advancement criteria as stated in an RFP.

BID: A sealed document or set of sealed documents representing the bidder's offer to sell goods or services at a specified price, terms, and specifications set forth in the invitation for bids.

BUILDING IMPROVEMENT: The construction or repair of a public building or structure.

BUILDING IMPROVEMENT INFORMAL COMPETITIVE SOLICITATION THRESHOLD: The estimated dollar amount of a good or service that does not require the use of formal methods of competitive solicitation as set forth in this title.

COMPETITIVE SOLICITATION: Competitive solicitation may be either informal or formal as set forth below:

A. Informal Competitive Solicitation Process: An informal process in which potential bidders, offerors, and contractors are invited to submit quotes or surveys by telephone, email, online procurement service, direct vendor delivery or another written price comparison.

B. Formal Competitive Solicitation Process: A formal process in which potential bidders, offerors, and contractors are invited to submit bids and proposals through an online procurement service.

CONFLICT OF INTEREST: Any action that is taken by an elected official or employee of the city that may cause direct or financial benefit or detriment to themselves, their immediate family, or an entity that they own or hold an interest in, if that benefit or detriment is distinguishable from the effects of that action on the public or on the elected official or employee's profession, occupation, or association generally.

CONSTRUCTION: The process of building, altering, repairing, improving, or demolishing any city structure or building, or other improvements to any city real property. It does not include routine repairs, or maintenance of existing structures, buildings, or real property.

CONTRACT: A legally enforceable agreement between two or more competent parties for the procurement of goods or services.

CONTRACTOR: Any person ~~that~~ who legally buys and/or sells goods or services to the city or desires to do so through the competitive solicitation processes.

~~CONSUMER PRICE INDEX: The "Consumer Price Index for All Urban Consumers, Not Seasonally Adjusted" as published by the Bureau of Labor Statistics of the United States Department of Labor.~~

COOPERATIVE PURCHASING ORGANIZATION: An organization, association, or alliance of purchasers established to combine purchasing power in order to obtain the best value for the purchasers by engaging in procurements.

DE MINIMIS SOLICITATION THRESHOLD: Threshold for small-dollar purchases not requiring procurement requests for quotes or formal competitive solicitation processes.

DESIGNEE: ~~Person~~ A person who has been delegated purchasing authority to perform functions that would regularly be held by another person.

DISBURSEMENT: The payment of the following liabilities, goods, and services: 1) ~~newspaper~~ media advertising, 2) insurance premiums, 3) legal fees and services, 4) credit card payments, 5) land and building purchases, or rentals, , 6) registration for meetings or training sessions, including pre-paid hotel costs, 7) subscriptions, memberships, professional registrations, and publications, 8) utility payments, 9) petty cash reimbursements, 10) employee reimbursements including eyewear, health insurance, and educational, 11) postal charges/fees, 12) parking fees, 13) worker compensation fees, 14) credit reporting fees, 15) bond releases, 16) witness fees, 17) phone bills, 18) radio service (UCAN), 19) refunds of city fees or charges, 20) title searches / rights-of-ways, 21) animal control adoption, spay, and neuter program, 22) seized assets (police), 23) found property (police), 24) K9 veterinary services, -25) revenue generating contracts, 26) used vehicles and equipment, and 27) employee team building events and trainings.

EMERGENCY CONDITION: An event or action that creates an immediate and serious need for goods and services that cannot adequately be addressed using customary procurement methods. Such a need may arise, ~~as~~ for example, by reason of a natural disaster, epidemic, riot, equipment failure, or other reason.

EMERGENCY PROCUREMENT: The procurement of goods and services that cannot be reasonably purchased through normal procurement methods due to an existing or imminent emergency condition, public threat, or unforeseen circumstances without compromising city

property or without delaying any work that may affect the life, health, safety, or welfare of the public.

FORMAL COMPETITIVE SOLICITATION THRESHOLD: The estimated dollar amount of a good or service that would require the use of formal methods of competitive solicitation as set forth in this title. ~~Thresholds shall be published annually in the City's budget to ensure that the solicitation threshold limits are up-to-date for all stakeholders involved in procurement activities.~~

GOODS: Tangible items that are sold for use, including but not limited to, all materials necessary for construction.

GOVERNMENT AGENCY COOPERATIVE CONTRACT: An agreement between a vendor and another government agency that allows other government agencies to procure goods and services from the vendor ~~upon~~at the same price and terms as was in the initial agreement.

INFORMAL COMPETITIVE SOLICITATION THRESHOLD: The estimated dollar amount of a good or service that does not require the use of formal methods of competitive solicitation as set forth in this title.

INFORMAL SURVEY: A procurement process where a department may informally survey one or more vendors regarding their services and pricing on specific matters to determine the most appropriate vendor in a given circumstance. Such matters might include vendor experience, unique qualifications, processes, business theories, technologies, best practice concepts, and standards or other specialized criteria that ~~is~~are not reasonably available through a competitive procurement process.

INVITATION FOR BIDS (IFB): A document, and all attachments thereto, that is used for seeking bids on purchases usually estimated to be greater in total value than the formal competitive solicitation thresholds. ~~twenty-five thousand dollars ($25,000) over the term of the proposed contract.~~

MINIMAL VALUE: A calculated average labor hour value that, given the number of labor hours needed to perform the surplus function of the city-owned property, exceeds the estimated current value of said property.

MINOR IRREGULARITY / INFORMALITY: A variation in an official bid, offer, or contract that does not: (i) affect the price of the bid, offer, or contract, (ii) give a bidder or offeror an advantage or benefit not shared by other bidders or offerors, or (iii) adversely impact the interest of the city. Examples include but are not limited to:

A. Failing to sign the bid, proposal, or other procurement documents requiring a signature, but only where they are accompanied by other materials clearly demonstrating an intent to be bound by the bid, proposal, or other procurement documents;

B. Failing to acknowledge receipt of an addendum, but only if the materials clearly demonstrate the bidder or offeror received the addendum and intended to be bound by the addendum, or the addendum has a negligible effect on the bid, proposal, or other offer or submission that would not result in a change in the originally submitted price; and

C. Minor mistakes if the intent of the bid, proposal, or other offer or submission is

clearly evident on the face of the document. Some examples of minor mistakes include typographical errors, errors in extending unit prices, transposition errors, and arithmetical errors.

MULTIPLE STAGE PROCUREMENT: A procurement process used in an IFB or RFP to advance qualified bidders through a series of criteria and stages before a bidder is allowed to submit a cost element for a bid or proposal. Some examples of criteria and qualifications that may be used, include but are not limited to the following: Experience, education, licensing, work examples, concepts, demonstrations, quality of work and/or goods, licensing, certifications, and years in business.

ONLINE PROCUREMENT SERVICE: A website or group of websites designed to assist in posting IFBs, RFPs, RFQs, SOQs, and other procurement solicitations and receiving responses to such solicitations by vendors.

PERSON: An individual, corporation, company, business, organization, association, or governmental entity, and their respective employees and agents.

PROFESSIONAL SERVICES: The furnishing of labor, time, or effort by a professional that possesses an elevated degree of specialized knowledge and discretion that may be exemplified by formal education, certification, advanced training, or other qualification, as required by a trade industry, a licensing organization, or the inherent characteristics of the work or services desired. Professional services may include the labor, time, and effort within the following disciplines (this is not an exhaustive list of disciplines or examples):

A. Accounting

B. Architecture

C. Artistic endeavors

D. Appraisal services

E. Auditing

F. Banking

G. Constable services

H. Construction design and management

I. Consulting services

J. Engineering

K. Environmental

L. Financial

M. Information technology

N. Law

O. Lobbyist services

P Medicine

Q. Psychiatry

R. Software implementation

~~O~~S. Underwriting

~~P~~T. Veterinary

PROTEST: A document or set of documents filed in compliance with the requirements of section 3-1-17(A).

PROTESTOR: A person who has standing and has filed a protest in connection with the city's procurement of goods or services. A protestor shall not mean an appellant, as otherwise defined herein.

PUBLIC INFRASTRUCTURE: Essential public services and functions provided by the city to meet the needs of the community that typically include but are not limited to: water supply, sewage and waste management systems, public transportation networks, road maintenance, parks and recreation, and public buildings. These functions may be provided by city departments such as Public Services, Public Works, and Public Utilities.

PUBLIC INFRASTRUCTURE INFORMAL COMPETITIVE SOLICITATION THRESHOLD: The estimated dollar amount of a good or service that does not require the use of formal methods of competitive solicitation as set forth in this title.

PUBLIC THREAT: A circumstance that appears likely to adversely impact the public's health, welfare, convenience, or safety. Such may arise when circumstances appear to create, as examples, a risk of environmental contamination, traffic congestion or hazards, disruption of utility or other public services provided by the city, or other matters.

PURCHASING; The process of buying, procuring, renting, leasing, or otherwise acquiring any good or service. The term "procurement" shall be interchangeable with the term "purchasing". It also includes all functions that pertain to the purchase of goods or services, including:

A. Description of requirements

B. Selection and solicitation of bids, proposals, qualifications, or quotes

C. Preparation and award of contract; and

D. All phases of contract administration

PURCHASING CARD (P-CARD): City-issued credit cards are generally used for expenditures less than the current informal competitive solicitation limit.~~.~~

PURCHASING DIVISION: A division within the finance department that is responsible for obtaining goods and services needed in support of the city's departments.

PURCHASING MANAGER: An authorized agent of the city to review purchase requests, prepare bids, quotes, proposals, and specifications, issue purchase orders, and contracts, evaluate responses to solicitations, and award contracts.

PUBLIC AUCTION: An online or in-person forum that provides the general public an opportunity to bid on surplus goods being sold to the highest bidder.

~~PUBLIC WORKS PROJECT: The above ground construction, replacement, or repair of:~~

~~A. An airport or any part thereof;~~

~~B. A street, transit facility, or transportation facility;~~

~~C. Class C roads, including maintenance and resurfacing, except for construction or maintenance incident to a Public Utility Project; or~~

~~D. Any other city facility except a building improvement.~~

PURCHASE ORDER (PO): A document drafted and issued by the purchasing manager or designee to formalize a purchasing transaction with a supplier. The PO should contain specific information regarding the quantity, description, and price of the goods or services being ordered.

REQUEST FOR INFORMATION (RFI): A document or set of documents that solicits information, comments, or suggestions from potential bidders or offerors before any competitive solicitation begins. An RFI may not result in an award of a purchase order or contract.

REQUEST FOR PROPOSALS (RFP): A document, and all attachments thereto, that is used for seeking proposals for goods and services where the lowest price is generally not considered as the most important criteria or is only one of several determining factors in the selection of the winning proposer.~~usually exceeding twenty-five thousand dollars ($25,000) over the term of the proposed contract or purchase order.~~

REQUEST FOR QUOTES (RFQ): A verbal or written request for the cost, availability, and quality of goods or services ~~and~~ that are estimated to ~~be in~~ total ~~value~~ less than the formal competitive solicitation threshold~~twenty-five thousand dollars ($25,000)~~ over the initial term of the proposed contract or purchase order and all potential renewal periods.

REQUEST FOR STATEMENT OF QUALIFICATION (SOQ): A document or set of documents requesting the qualifications of potential offerors for a specific project or goods or services that, if approved, would allow the offerors to submit proposals or bids on specific city projects requiring the qualifications set forth in the city's request.

REQUISITION: An internal document by which a requisitioner requests the purchasing manager or designee to initiate a purchase.

REQUISITIONER: The person who creates a requisition which is sent to the purchasing manager or designee to initiate a purchase.

RESPONSIBLE: A person that has the capability, as determined in the sole discretion of the city,

to perform all requirements of the competitive solicitation, the final contract, and/or purchase order.

RESPONSIVE: A person that has submitted a quote, bid, or proposal that conforms in all material respects to the competitive solicitation specifications, terms and conditions, and all other requirements of the competitive solicitation, as determined in the sole discretion of the city.

SERVICES: ~~-~~Labor, effort, or work that provides a benefit to the city, including but not limited to construction work necessary to complete public ~~works~~ infrastructure services projects or building improvements.

SIGNIFICANT PARCEL OF REAL PROPERTY ~~DEFINED~~: For purposes of this chapter, a significant parcel of real property is:

A. A single parcel of real property, or a combination of contiguous parcels of real property, having an estimated value in excess of ~~one hundred thousand dollars (~~$~~100~~50,000~~)~~ as determined by using the county assessed value;

B. A single parcel of real property or a combination of contiguous parcels of real property, having a size in excess of one acre as determined by using the county assessed acreage; or

C. An agreement involving an interest in property for less than a fee, the value of which exceeds ~~fifty thousand dollars (~~$50,000~~)~~.

SOLICITATION THRESHOLDS: Monetary limits that determine when an informal or formal solicitation process is required in the procurement of goods and services. Limits may include micro and macro de minimis limits, professional services, and informal and formal solicitation limits. Approved thresholds shall be published annually in the City's budget to ensure that the solicitation threshold limits are up-to-date and current with economic factors for all stakeholders involved in procurement activities.

SPECIFICATION: Any description of the physical or functional characteristics or of the nature of the good or service being procured through the competitive solicitation process. It may include a description of any requirement for inspecting, testing, or preparing an item being procured for installation and/or delivery.

STANDING: A protesting potential or official bidder, offeror, or contractor ("Bidder, Offeror, or Contractor") will only have standing if all of the following conditions are present:

A. The bidder, offeror, or contractor that has suffered or is about to suffer ~~an~~ imminent harm~~-~~, provided that the actual or threatened harm is:

1. an infringement of the protestor's own right and not the right of another person who is not a party to the procurement;

2. caused by the City's conduct; and

3. the sole reason the bidder, offeror, or contractor is not considered, or is no longer considered for an award of a contract under the procurement that is the subject of the protest.

B. A decision on the protest in favor of the protestor is reasonably likely to redress the harm and would give the bidder, offeror, or contractor a reasonable likelihood of being awarded a contract or not terminating the contract. A subcontractor or potential subcontractor shall not have standing to protest or appeal a protest or act as an agent of the bidder, offeror, or contractor in the bidder, offeror, or contractor's protest or appeal.

SUPPLIER: Person(s), business entity, or business entities who or which provide goods and services in response to any procurement solicitation. The term "supplier" shall be interchangeable with the terms "vendor," "provider," and "contractor."

SURPLUS PROPERTY: City real and personal property set forth in section 3-1-~~19~~20.

TIE BID: Tie bids are low responsive bids from responsible bidders that are identical in price, and which meet all the requirements and criteria set forth in the Invitation for Bids or Request for Quotes.

TIE SCORE: Tie scores are a result of two or more respondents' identical overall scores received from a Request for Proposal evaluation committee and which meet all the requirements and criteria set forth in the RFP.

TRANSIT FACILITY: A transit facility is an existing or proposed transit passenger station, an existing or proposed transit maintenance, storage, or service facility, or an existing or proposed right of way for use in providing transit services.

TRANSPORTATION FACILITY: Transportation Facilities include highways, turnpikes, airports, railroads, including high-speed railroads, bicycle, and pedestrian facilities, waterways, pipelines, electric utility facilities, communication lines and facilities, public transportation facilities, port facilities, and facilities appurtenant to other transportation facilities

TRANSITIONAL COSTS: The costs of changing: (i) from an existing provider of a procurement item to another provider of that procurement item; or (ii) from an existing type of procurement item to another type. Transitional costs include: (i) training costs; (ii) conversion costs; (iii) compatibility costs; (iv) costs associated with system downtime; (v) disruption of service costs; (vi) staff time necessary to implement the change; (vii) installation costs; and (viii) ancillary software, hardware, equipment, or construction costs. Notwithstanding, transitional costs do not include (i) the costs of preparing for or engaging in a procurement process or (ii) contract negotiation or drafting costs.

UNFORESEEN CONDITION: A circumstance that creates a need to procure goods or services within time frames that could not be reasonably anticipated or reasonably accommodated under customary procurement methods to preclude identifiable adverse impact to the city or to the public's health, welfare, convenience, or safety.

3-1-3: GENERAL PURCHASING REQUIREMENTS:

The following general requirements apply to all purchases for goods and services:

A. Requisitions:

1. A requisition or purchase order for goods and services ~~above $2,000~~ is required for ~~all~~ purchases that are:

~~(i)~~ a. N~~n~~ot paid for with a P-Card;~~,~~

b.~~(ii)~~ A~~a~~pplied to an approved purchase order or contract;~~,~~ or

c.~~(iii)~~ L~~l~~isted as a disbursement. Requirements related to requisitions are listed as follows:

2~~1~~. ~~Content of Requisition:~~ The requisition submitted to the purchasing manager must contain the following, if applicable:

a. The program and account numbers.

b. The quantity, description, specifications, and scope of work.

c. All quotes or bid tabulation, and supporting documentation.

d. Department head or designee financial system workflow approval.

e. Email addresses of known potential suppliers.

3.~~2.~~ ~~Supporting Documentation:~~ The supporting documentation attached to the requisition shall be submitted and recorded as follows:

a. If the purchase amount is less than the formal competitive solicitation threshold ~~bid limitseven thousand ($7,00), attach~~ the supporting vendor quote, or invoice documentation or quote tabulation must be included in the requisition.

b. For anticipated procurements that exceed the informal competitive solicitation threshold, departments must complete and send the applicable IFB or RFP documents, including s~~S~~pecifications and requirements, ~~are sent~~ to the purchasing ~~manager or designee~~division to initiate a procurement process.

c. -After the procurement process has resulted in an award, the requesting department will enter a requisition with the supporting documentation provided by the purchasing manager for processing.

4~~3~~. Approval: Requisitions are approved through the financial system's approval workflow process.

B. Unless otherwise exempted, ~~all~~ purchases over the de minimis micro value solicitation threshold ~~two thousand dollars ($2,000)~~that are not classified as a public infrastructure or building improvement project shall require competitive solicitation ~~as defined in this chapter~~. Purchases under the de minimis micro value solicitation threshold do not require competition and may be purchased from any available vendor.

C. Unless otherwise exempted, all public infrastructure and building improvement projects over the de minimis macro value solicitation threshold shall require competitive solicitation as defined in this chapter. Purchases for public infrastructure and building

improvements under the de minimis macro solicitation threshold do not require competition and may be purchased from any available vendor.

D. Unless otherwise exempted or procured through the informal survey process, professional service projects that are greater than the formal threshold shall require competitive solicitation as defined in this chapter. Purchases for professional services under the ~~de minimis~~formal solicitation threshold do not require competition and may be purchased from any available vendor.

~~C~~E. Purchases ~~that have been~~ divided into two or more smaller purchases to avoid using a standard procurement process are prohibited.

~~D~~F. Purchases above ~~$5,000~~the applicable threshold ~~that have been made~~ without a requisition or purchase order ("after-the-fact" purchases), are considered non-compliant with the city's purchasing policies. Employees failing to comply with this policy may be subject to disciplinary action, up to and including termination. This provision does not apply to P-Card purchases.

G~~E~~. For any purchase using federal funding, the contractors must be checked ~~to ensure they have not been excluded from providing goods and services for federal award programs by checking the~~ using the www.sam.gov/SAM website to ensure they have not been excluded from providing goods and services for federal award programs.

H~~F~~. ~~All elected officials~~Council staff, city officers, and employees who use a P-Card must submit all receipts, supporting documentation, and account funding information to the ~~purchasing manager~~ Administrative Services Department, p-card administrator(s), or the council director, as applicable, on a monthly basis ~~all receipts, supporting documentation, and account funding information pursuant to their respective purchasing card agreement~~.

I~~G~~. When determining the proper level of procurement authority for a given purchase or whether a competitive solicitation is required pursuant to this chapter, the length of the contract including all potential renewal terms, shall be considered for purposes of calculating the total estimated price of the procurement of goods or services.

- For example, ~~pursuant to the required thresholds below,~~ if the purchasing manager estimates that the purchase of a particular good or service is expected to have a value of ~~twenty thousand dollars (~~$20,000~~)~~ annually for a contractual term of one ~~(1)~~ year with the option to renew for an additional four ~~(4)~~ one-year terms, the value of the contract would be ~~one hundred thousand dollars (~~$100,000~~)~~ and not ~~twenty thousand dollars (~~$20,000~~)~~. ~~Therefore, i~~In this example, competitive solicitation ~~would be~~is required.

J~~H~~. The mayor, purchasing manager, or their respective designee(s)~~s~~ may allow others to assist in the preparation of specifications for the city's use in making procurements, provided there is no conflict of interest involved.

K~~I~~. The city reserves the right to reject or cancel any or all invitations for bids, requests for proposals, ~~request~~ requests for quotations, or other ~~solicitation~~solicitations. The ~~city~~mayor or purchasing manager~~, in its sole discretion,~~ may waive any immaterial ~~in~~formality, ~~immaterial~~ error, ~~minor~~ technicality, or other irregularity of any procurement processes or procedures if doing so would be in the best interest of the city~~, as determined by the mayor or purchasing manager~~.

3-1-4: PROCUREMENT AUTHORITY:

A. Purchases Under ~~Twenty Five Thousand Dollars~~the Public Infrastructure Formal Competitive Threshold: The Department heads, the purchasing manager, or their respective designee(s) ~~shall have the authority to~~may purchase goods and services where the total estimated value is less than the formal competitive threshold. ~~twenty-five thousand dollars ($25,000).~~

B. Purchases for Building Improvements: ~~The public services d~~Department heads or their designee(s) shall be authorized to purchase necessary goods and services required to complete building improvements where the dollar amount is less than ~~fifty thousand dollars ($50,000).~~ the formal competitive solicitation threshold.

~~C. Purchases for Public Works and Public Utilities Projects: The public works and public utility department heads or their respective designee(s) shall be authorized to purchase necessary goods and services required to complete a public works and public utility improvement project where the estimated cost is less than one hundred seventy-five thousand dollars ($175,000).~~

~~D~~C. Purchases for Professional Services: ~~Each d~~Department heads, the purchasing manager, or their designee(s) shall be authorized to purchase professional services pursuant to section 3-1-~~8B~~ 8(D) or section 3-1-9(B) up to the formal competitive solicitation threshold.

~~E. Purchases for Furniture: Each department head or designee shall be authorized to purchase furniture (desks, chairs, tables, system furniture, benches, filing systems, bookcases, stools, etc.) that has a value of less than two thousand dollars ($2,000). The purchasing manager shall be authorized to purchase furniture at a value of two thousand dollars ($2,000) or more.~~

~~F~~D. General Delegation of Authority: ~~Notwithstanding the other provisions of this chapter, t~~The mayor may delegate ~~to the purchasing manager, department heads, or any other city employee,~~ authority to purchase goods and services for the city as deemed appropriate and within his scope of procurement authority. These delegations shall be in writing and may be limited in scope, as the mayor directs.

~~G~~E. Prior to award, the mayor must approve the procurement of goods and services ~~W~~where the dollar value exceeds the limits described in this section~~, procurement of goods and services shall require approval by the mayor before being awarded~~.

3-1-5: GENERAL GOODS AND SERVICES FORMAL COMPETITIVE SOLICITATION THRESHOLD:

Except ~~for the individual formal competitive thresholds set forth below in the following sections or~~ as otherwise exempted in this chapter, the procurement of goods and services ~~do not~~ requires formal competitive solicitation ~~unless~~ when the estimated total amount of the purchase or contract exceeds ~~twenty-five thousand dollars ($25,000)~~the informal competitive solicitation threshold. T~~For each year after 2020, t~~his formal ~~general~~ competitive solicitation threshold ~~shall increase by three percent (3%) or the actual positive net percent change in the consumer price index, whichever is less,~~may be increased annually as ~~documented~~ adopted in the budget~~by the purchasing manager~~.

3-1-6: FORMAL COMPETITIVE SOLICITATION THRESHOLDS FOR INDIVIDUAL CATEGORIES:

~~The formal competitive solicitation thresholds set forth below for building improvements and public works projects shall, for each year after 2020, increase by three percent (3%) or the actual positive net percent change in the consumer price index, whichever is less.~~

A. Building Improvements: The procurement of building improvements ~~does not~~ requires formal competitive solicitation ~~unless~~ when the estimated total amount of the purchase or contract exceeds ~~fifty sithousand dollars ($50,000)~~the informal building improvement competitive solicitation threshold. The procurement of building improvements with an estimated total amount of the purchase or contract ~~totaling fifty thousand dollars ($50,000) or less~~ less than the formal building improvement competitive solicitation threshold may be ~~performed by a request for quote process pursuant to 3-1-8A.~~purchased through the de minimis or informal competitive solicitation thresholds as applicable.

B. Public Infrastructure ~~Services, Public Utility, and Public Works~~ Projects: The procurement of public ~~services, public utility, and public works~~ infrastructure projects does not require formal competitive solicitation unless the estimated total amount of the purchase or contract exceeds the informal public infrastructure competitive solicitation threshold. ~~one hundred seventy five thousand dollars ($175,000).~~ The procurement of ~~public works, public services, and public utility~~public infrastructure projects with an estimated total amount of the purchase or contract totaling ~~one hundred seventy five thousand dollars ($175,000) or less~~ less than the formal public infrastructure competitive solicitation threshold may be purchased through the de minimis or informal competitive solicitation process as applicable.

~~performed by a request for quote process pursuant to section 3-1-8A().~~

~~B.~~

3-1-7: COMPETITIVE SOLICITATION METHODS AND PROCESSES:

Competitive solicitation methods may be either:

A. ~~I~~informal, pursuant to section 3-1-8~~,~~ or

B. ~~F~~formal, pursuant to section 3-1-9. Additional procurement processes may be used if in the best interests of the city, pursuant to section 3-1-10.

C. ~~-~~Formal or informal competitive solicitation methods are not required if ~~excepted~~exempted, pursuant to section 3-1-~~11~~12.

3-1-8: INFORMAL COMPETITIVE SOLICITATION:

A. Request for Quote (RFQ) Process for General Goods and Services:

1. The RFQ process may be used when the expected total amount of the purchase is greater than the de minimis solicitation threshold ~~$2,000~~ and is less than ~~twenty five thousand dollars ($25,000)~~the formal competitive solicitation threshold.

2. A minimum of ~~two~~ three quotes shall be obtained by telephone, email, online procurement service, direct vendor delivery, or another price comparison. ~~The public works department head is authorized to use the request for quote process for public works projects and building improvements when a purchase or contract~~

~~is estimated to be less than the respective formal competitive thresholds set forth in section 3-1-6.~~

3. All other department heads ~~are authorized to~~may use the ~~request for quote~~RFQ process only if the estimated amount of the purchase or contract is equal to or less than ~~seven thousand five hundred dollars ($7,500)~~ the informal competitive solicitation limit.

4. ~~-~~The purchasing manager ~~is authorized to~~may use the request for quotes process, if necessary, for all purchases not otherwise required to be procured through a formal competitive process or an informal survey.

B. Request for Quote (RFQ) Process for Public Infrastructure Projects: Department heads may use this process when the expected total amount of the purchase is greater than the de minimis solicitation threshold and is less than the public infrastructure formal competitive solicitation thresholds set forth in section 3-1-6.

~~B~~C. Informal Survey Process: A contract for professional services may be solicited by an informal survey process.

1. The selection of professional services using an informal survey process shall be pre-approved by the mayor before the informal survey process may be used.

2. ~~-~~Survey information should contain:

a. ~~-I~~information regarding the type of service needed;~~,~~

b. T~~t~~he methodology to be used during the selection process;~~,~~

c. T~~t~~he anticipated cost of the professional services;~~,~~ and

d. T~~t~~he expected term of the provided service.

3. After the department head selects the professional firm or contractor using data gathered from the informal survey, a written and signed award recommendation shall be presented to the mayor for final approval.

4. After mayor's approval, all supporting documentation and approvals shall be provided to the purchasing manager who will retain the information in the project purchasing file.

5.~~-~~ A department head ~~that uses~~using an informal survey for professional services that exceeds or is likely to exceed ~~ten thousand dollars (~~$~~10~~25,000~~)~~ shall give a written disclosure to the city council within ~~fourteen (~~14~~)~~ days from the mayor's ~~final~~ approval of the award.

D. Professional Services: The procurement of professional service providers and consultants does not require the use of formal methods of competitive solicitation unless the estimated total amount of the purchase or contract exceeds the formal solicitation threshold as set forth in section 3-1-3(A) and (C.)

3-1-9: FORMAL COMPETITIVE SOLICITATION:

A. Invitation for Bids: ~~-~~The purchasing division may solicit sealed bids which shall be awarded to the lowest responsible and responsive bidder.

1. Bid Preparation:

a. The department head or designee seeking to procure a good or service shall prepare an IFB using standard city formats with complete, accurate, and understandable specifications and submit such to the purchasing manager.

b. The purchasing manager will review the IFB and proposed contract for compliance with federal and state law (if federal or state funds are applicable) and ~~this chapter and other applicable~~ city ordinances.

c. Once the purchasing manager has reviewed and approved the IFB for advertisement, ~~he or she~~they will advertise the IFB pursuant to this section.

2. Advertisement:

a. All invitations for bids shall be advertised at least once in a generally and widely available medium including but not limited to newspapers, business journals, city websites, and online procurement service.

b. The city shall post the notice as described above at least five ~~(5)~~ business days in advance of the bid due date, unless a department requests a shorter time that is approved by the mayor or designee. All requests to shorten the advertisement period to a period less than five ~~(5)~~ business days should be in writing, submitted to the mayor, and include:

(i) the requested reduced time of posting;~~,~~

(ii) verification that there is sufficient competition from multiple sources who can respond within the shortened advertisement timeline;~~,~~ and

(iii) the unique nature of the request.

c. Notwithstanding this subsection, any procurement subject to noticing requirements of state and/or federal law shall comply with those requirements.

3. Bid Clarifications and Specification Substitution Requests: Bidders may submit questions, requests for clarification of specifications, or product and/or specification substitution prior to the question due date specified in the bid requirements. All requests shall be made through the online procurement service. All responses by the purchasing manager or designee, if any, to the bidder's questions, clarifications, and substitutions of specifications may be posted on the online procurement service in the "Question and Answer" section or by modifying the specifications through an official addendum.

4. Receipts of Sealed Bids: All sealed bids shall be received through the online procurement service by the time and date specified in the invitation for bids. If no sealed bids are received by the deadline to submit, the purchasing manager, upon the mayor's approval, may seek bids using any method described herein without further competition.

5. Verification: The city may verify and investigate any part of the competitive solicitation process, including but not limited to requesting documents and questioning potential or official bidders. If the potential or official bidder fails to respond to questions or requests, the potential or official bidder may be found to be a non-responsible or non-responsive bidder and disqualified from continuing the solicitation process or being awarded the contract. The city's failure to discover any matter shall not preclude any subsequent evaluation or action. The city shall determine in its sole discretion:

(~~i~~a) what actions may be appropriate for verification or investigation;~~,~~

(~~ii~~b) the responsiveness of questions or requests;~~,~~

(~~iii~~c) disqualification or qualification;~~,~~ and

(~~iv~~d) successful bid and/or award of contract.

6. Bid Review: Bids shall be received and reviewed by the purchasing manager and verified by the department head or designee making the purchase or entering into the contract that bidders meet the requirements stated within the bidding document. The purchasing manager or designee may request additional information from vendor(s) at any time throughout the procurement process. The city reserves the right to evaluate and waive any minor informalities to determine the overall impact of the bid process and value to the city.

7. Awarding the Winning Bid: Subsequent to the deadline for the submission of bids, the purchasing manager shall post the bid tabulation sheet showing the total bids for each bidder. After the purchasing manager and department head or designee have determined the lowest bid which complies with all solicitation requirements, the purchasing manager may award the bid to the lowest responsible and responsive bidder. Within three days after the purchasing manager awards the bid, the purchasing manager will post notice of the award on the online procurement service.

B. Requests for Proposals: The purchasing division may solicit sealed proposals which ~~shall~~ may be awarded to the highest scoring or highest ranked responsive and responsible offeror.

1. Process for Solicitation of Proposals: Unless otherwise stated below, the general principles and processes related to the solicitation of sealed bids shall apply to the process of soliciting sealed proposals.

2. Proposal Review: Once the sealed proposals are received through the online procurement service, the purchasing manager and the department head or designee requesting the sealed proposals may review the proposals for compliance with all solicitation requirements. The purchasing manager, in coordination with the department head or designee, shall form an evaluation committee to evaluate and score the proposals based on criteria set forth in the RFP.

3. Evaluation Criteria: All proposals will be evaluated based on criteria set forth in the request for proposals. The evaluation criteria may, but is not required to, include the following evaluation criteria:

a. The extent of the specialized experience of the individual or firm in the

type of work required;

b. The degree and depth of professional qualifications available through the applicant for the performance of the services required;

c. Past performance of the applicant on similar projects, in general, and city projects in particular;

d. Location and accessibility of the offices of the professional submitting the proposal;

e. The proposed schedule for completing the scope of work;

f. The facilities and equipment at the disposal of the professional submitting the proposal;

g. The projected work hours and costs associated with providing the services outlined in the scope of work;

h. For construction projects, an offeror's company general safety plan and project-specific safety plan;

i. The offeror's ability to work cooperatively with the city, including, without limitation, whether the bidder has previously failed to comply with city agreements or other requirements, nonpayment of sums due to the city, poor working relationships with or adversarial actions against the city, suspension, or other proceedings by the city against the bidder, or failure to assist the city in determining responsibility; and

j. The offeror's capacity to perform contractual requirements, including whether the bidder has available appropriate financial, material, equipment, facility and personnel resources and expertise, or the ability to obtain them, including without limitation, legal capacity to enter an agreement, the ability to perform within required times, or the ability to perform any necessary future service and maintenance.

4. Evaluation Committee: The department head or designee shall appoint an evaluation committee that shall be comprised of no less than three ~~(3)~~ members.

5. Best and Final Offers: As provided in the RFP, discussions and/or RFP modifications may be conducted with the responsible offerors who submit proposals determined to have a reasonable chance of being selected. Offerors shall be accorded fair and equal treatment to discuss and revise proposals in writing and such written revisions may be permitted by the selection committee after submissions and prior to award to obtain best and final offers. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing offerors, except for the names of the offerors. Discussion may also occur with vendors who are on the approved vendor list.

The purchasing manager may request best and final offers from:

a. All responsive and responsible offerors when the evaluation committee

wants to verify full understanding of, and conformance to, the solicitation requirements of the RFP;

b. All responsive and responsible offerors who score within ~~twenty percent (~~20%~~)~~ of the highest scoring offeror; or

c. All responsive and responsible offerors who have the highest identical scores.

d. All responsive and responsible offerors who have advanced through a multi-stage procurement process as defined in the related procurement document.

6. Selection and Awarding of the Winning Proposal: The evaluation committee shall evaluate the proposals and may require the offerors to give an oral presentation to further understand each of the offerors' proposals. The evaluation of the proposals may be performed in successive stages that eliminate a certain number of offerors from continuing through the evaluation process. Once each stage has concluded and all members of the evaluation committee have scored each proposal according to the processes set forth in the RFP, the individual scoring shall be submitted to the purchasing manager. The purchasing manager will confirm that the highest scoring or ranked offeror is compliant with all the solicitation requirements and submit a recommendation to the mayor that the highest scoring or ranked proposal be awarded the contract. Within three days after the mayor or designee awards the contract, the purchasing manager will post notice of the award on the online procurement service.

7. Public Access to Sealed Proposals: Sealed proposals shall remain confidential and withheld from public disclosure until an award is posted. After the award is posted, all proposals shall be available for public inspection upon a written Governmental Records Access and Management Act (GRAMA) request, except for information or data that the bidder designated as proprietary or confidential or that the city classifies as "~~privileged~~protected" under Utah law. All records retention schedules and access shall be consistent with GRAMA.

~~7.~~8. Award and Contract Termination: In the event of a contract termination within the first year of a contract awarded with the highest scored, ranked, or lowest bid offeror, the city may, at its own discretion, contract with the second highest and/or ranked or the second lowest bid offeror to the original request for proposal- or bid provided that the same requirements, terms and conditions, and offeror response are applied to the subsequent award and contract.

3-1-10: ADDITIONAL PROCUREMENT PROCESSES:

A. Multiple Stage Procurements: IFB or RFP processes may be completed in multiple stages to determine the qualifications, experience, quality of work, and/or goods that would be provided before a bid cost sheet is submitted as the final stage of the ~~multiple stage~~multiple-stage process. A multi-stage process may result in a single or multiple awards. Multi-stage processes may be used regardless of bid value.

B. Requests for a Statement of Qualifications: When the ~~mayor~~ department head

determines, based on recommendations from the department ~~heads~~ staff and the purchasing manager, that a procurement for services requires a certain level of qualifications, skill, experience, understanding of specific needs, key personnel, availability, or other reasonable criteria, the purchasing manager may request a statement of qualifications from potential bidders or offerors.

C. Approved Vendor List: An approved vendor list may be created from a request for a statement of qualifications. Upon evaluation of the responses from vendors, those vendors meeting the qualification and advancement criteria shall be included on the AVL.

1. Timing for Inclusion on an AVL: The AVL may be an open-ended or closed-ended list as follows:

a. Closed-ended AVL: A closed-ended AVL is a list of vendors approved for a finite period, specified in the SOQ, during which additional vendors may not be added to the AVL. Once the specified period expires, the city may request vendors to submit their statement of qualifications again and, if determined to be qualified, include the qualified vendors on the AVL.

b. Open-ended AVL: An open-ended AVL is a list of vendors approved for a finite period to which additional vendors may be added through the remaining term of the list. The interval period(s) stated in the SOQ generally ranges from six ~~(6)~~ months to ~~eighteen (~~18~~)~~ months.

2. AVL Procurement Methods: The AVL may be used as one or more of the following methods, regardless of the estimated total cost of the good or service:

a. A rotation system, organized alphabetically, numerically, or randomly;

b. Assignment of vendors to a specified geographic area;

c. Assignment of vendors based on vendors' particular expertise or field; or

d. Another method approved by the purchasing manager.

D. Request for Information: The city may request information, comments, or suggestions from potential bidders or offerors before using any competitive solicitation methods. A request for information may be used to gather information including, but not limited to, availability of a procurement item, delivery schedules, industry standards and practices, product specifications, training, new technologies, capabilities of potential providers of a procurement item, and alternate solutions. A request for information may not be used to solicit a firm fixed cost or guaranteed pricing, negotiate fees, make a purchase, or enter into a contract. All information received by potential bidders, offerors, or industry specialists does not bind either party to any commitments to one another and is subject to GRAMA classification.

3-1-11: TIE BIDS

In the event of a tie bid between the two lowest bidders from an Invitation for Bid or Request for Quote process, or a tie with two or more highest scored respondents from a Request for Proposal process, the award shall be given in order as follows:

A. To the vendor whose business office location resides within West Jordan City boundaries;

B. To the closest vendor business office location, measured by the number of road miles it would take to travel from the vendor's closest business office location to the West Jordan City Hall address at 8000 South Redwood Road, West Jordan, UT 84088.

3-1-~~11~~12: EXCEPTIONS TO COMPETITIVE SOLICITATION REQUIREMENTS:

The procurement of goods~~,~~ and services are exempt from competitive solicitation under the following circumstances:

A. Direct Government Agency Purchases: Goods~~,~~ and services made available for purchase by another governmental agency are not subject to procurement requirements set forth in this chapter.

B. Governmental Agency and Cooperative Purchasing Organization Contract: Procurement may be approved, without additional competition otherwise required in this chapter~~,~~ when the purchasing manager or designee determines that another governmental agency or a cooperative purchasing organization~~governmental agency or branch thereof~~ has issued a procurement contract based on competitive solicitation and that the city is authorized to purchase under the same terms of the cooperative contract.

C. Sole Source Procurement: The purchasing manager or designee may approve procurement of goods and services without using a competitive solicitation process if the purchasing manager determines, in writing, that:

1. Only one known source is reasonably available to provide the goods or services being procured; or

2. Only specific parts, equipment, accessories, and/or specialized service, training, geographical area, region, boundary, or other unique characteristics of the goods or services meet the city's needs and there are no comparable goods or services reasonably available.

D. Emergency Procurement:

1. Based upon approval of the mayor or designee, goods and services may be procured to address emergency conditions, public threats, or unforeseen conditions. In such circumstances, priority over and exclusion of customary procurement processes shall be allowed to meet the needs of such conditions and threats.

2. Process. The mayor shall examine the circumstances and determine whether they constitute an emergency condition, a public threat, or an unforeseen condition. If so, the mayor may take any action to address such condition so long as such action is (i) reasonable under the circumstances, (ii) consistent with applicable law, and (iii) accomplished within existing budget constraints. The mayor shall deliver to the city council within

~~fourteen (~~14~~)~~ calendar days of the purchase or execution of a contract a written determination and explanation of the condition and justification for actions taken under this section. The purchasing manager shall file this written determination in the procurement file relating to purchase or execution of a contract. Only those goods and services to address the conditions identified by the mayor may be procured under this Section.

E. Waiver or Modification: The mayor may waive or modify competitive solicitation requirements when the purchase or execution of a contract is (i) advantageous to the city, (ii) performed in a manner that is fair and equitable, (iii) provides transparency as is practicable under a given circumstance, and (iv) consistent with applicable law. The mayor shall deliver to the city council within ~~fourteen (~~14~~)~~ calendar days of the purchase or execution of a contract a written determination and explanation of the condition and justification for actions taken under this section. The purchasing manager shall file this written determination in the procurement file relating to the purchase or execution of the contract.

F. Disbursements: ~~-~~Disbursements do not require competitive solicitation.

G. Grant, Gift, Bequest:~~.~~ In complying with the terms and conditions of any grant, gift, or bequest to the city, or to one of the city's departments or subdivisions, committees, or a community organization that functions under city auspices if such action is approved by the mayor.

H. Transitional Costs: Transitional costs are (i) a significant consideration in selecting a procurement item; (ii) the result of a cost-benefit analysis demonstrating that transitional costs are unreasonable or cost-prohibitive and that the award of a contract without engaging in a standard procurement process, as set forth in this chapter, would be in the best interest of the City~~;~~. The purchasing manager shall file a written cost-benefit analysis determination in the procurement file relating to the purchase or execution of the contract.

3-1-~~12~~13: DEBARMENT AND SUSPENSION:

A supplier that fails to meet the requirements of any city procurement process or ~~at any time throughout the duration of a~~the terms of any contract or engagement with the city is subject to the actions and penalties described herein. The city, in its sole discretion, may take any of the following actions against a supplier:

A. Order an audit, at the sole expense of the supplier to determine the extent of such non-compliance;

B. Terminate the contractor's contract for failure to comply with the terms of the bid, RFP or resulting contract;

C. Immediately award the affected contract to the next lowest responsive and responsible bidder; or

D. Bring legal action against the contractor, on behalf of the city and affected employees, for monetary damages.

E.

1. The penalties that may be imposed if a bidder or contractor to which this section applies violates the requirements of this chapter include:

a. For a first violation, a twenty-four-month suspension of the bidder from bidding on city projects; and

b. For a second violation, an action for permanent debarment of the bidder from bidding on city projects.

2. To avoid suspension or debarment, the bidder must submit a written appeal, accompanied by all evidence the bidder plans to rely upon, to the City's Purchasing Manager within 14 days of receiving notice of suspension or disbarment. The Purchasing Manager shall schedule a hearing to hear the bidder's responses to the allegations. The Purchasing Manager shall issue a written decision to the bidder within 10 days of the hearing. The Chief Administrative Officer may extend this period for good cause.

3-1-~~13~~14: PURCHASING CARD ISSUANCE AND APPROVALS:

A. Issuance and Limitations of Credit Card (P-Card): P-Cards may be issued to persons under the following conditions:

1. City Mayor, Officers, and Department Heads: The mayor and administrative officers may be issued a P-card upon the mayor's direction. Department heads may be issued a P-Card upon the approval of the mayor or the mayor's designee or a P-Card administrator. The mayor may, with the advice of the ~~finance~~ administrative services department head and/or a P-Card administrator, set the purchasing limit of the P-Card for him or herself and other administrative officers and department heads.

2. ~~City Council Members,~~ Council Office Director, and Council Staff: ~~City council members, t~~The council office director, and other council staff may be issued city P-Cards upon the majority vote of the council. The city council may, with the advice of the finance department head and procurement manager, set the purchasing limit of the P-Cards for ~~themselves,~~ the council office director, and other council staff by a majority vote of the council.

3. All Other City Employees: Unless otherwise set forth in this section, all other city employees may be issued a P-Card if such issuance is first approved by their department head and a P-Card administrator. P-card administrator or the administrative services department head shall set the limits of the P-Cards of all other city employees.

B. Credit Card (P-Card) Purchases: Purchasing cards are generally used for single ~~transactions below two thousand dollars ($2,000)~~de minimis micro value transactions. Monthly single transaction and monthly card limits may be defined by card user with higher spending limits assigned on a per user basis. P-Cards may be used as a direct payment mechanism for (i) purchases under the informal competitive solicitation limit, (ii) approved purchases over the informal competitive solicitation limit, and/or (iii) when a vendor requires payment with a P-Card. Such purchases may include but are not limited to:

1. Online purchases

2. Purchases from suppliers that the city does not have an account with

3. Seminar/conference registrations

4. Membership fees

5. Suppliers that do not accept PO's

6. Books

7. Footwear

8. Clothing

9. One-time or seldom used vendor purchases

10. Accounts payable functions to include a ~~Single Use Account (SUA)~~Virtual Card or Department P-Card

11. Airfare, vehicle rental, and hotel accommodations

C. Abuse of a P-Card: Abuse or misuse of a P-Card, including any failure to comply with the related P-C~~e~~ard agreement, may result in an immediate cancellation of the P-Card, criminal prosecution, and/or termination of employment, if applicable.

3-1-~~14~~15: CONTRACT ADMINISTRATION:

A. Except for purchase orders, the mayor or designee shall sign all contracts.

B. Exclusivity of Contracts: Exclusive and non-exclusive contracts may be awarded by the city at any time. Unless a contract specifically states it is exclusive, it shall be deemed to be nonexclusive. "Nonexclusive" means that the city may award multiple contracts to more than one contractor(s) for similar goods or services, as it deems appropriate.

C. Period of Time for Contracts:

1. Permitted Contract Duration: Unless otherwise prohibited or unauthorized as stated in this section, contract(s) for goods and services may be entered into for any period of time stated in the bidding documents and is deemed to be in the best interest of the city. Term renewals as stated in the contract, including interlocal contracts, are allowed without additional mayor or city council approval, as applicable, provided that the council has ~~approved the expense within the current fiscal year~~appropriated funds to the department to use for such expense, no additional terms are added to the original contract without prior modification, and current law does not prohibit such renewal.

2. Prohibited Contract Duration: "Open-ended" (starting date only) contracts and "evergreen" (automatically renewed) contracts are prohibited unless authorized by the purchasing manager in writing or otherwise authorized by federal or state law.

D. Contract Amendments: Contracts ~~(including purchase orders)~~ may be amended, modified, or supplemented only by written amendment, executed by the parties to the contract.

E. Change Orders:

1. For Building Improvements, ~~-~~and Public Infrastructure~~Works~~ Projects: A department head is authorized to approve a change order on building improvements and public ~~works~~infrastructure projects in a single amount up to $10,000 or 20%, whichever is greater, or a total aggregate amount (when multiple change orders exist for the same project) not to exceed ~~twenty percent (~~20%~~)~~ ("20% Approval Limit") of the contract so long as (i) there is funding available in the budget, (ii) ~~does not~~there is no material~~ly~~ change to the original scope of work, and (iii) the change order is in the best interests of the city according to the department head. Notice of such provision may be included in the IFB or RFP.

2. For Goods and Services Not Listed in 3-1-14(E)(1): A department head is authorized to approve a change order for goods and services in a single amount up to $200 or 10% whichever is greater or a total aggregate amount (when multiple change orders exist for the same good or service) not to exceed ~~ten percent (~~10%~~)~~ ("10% Approval Limit") of the contract whichever is greater so long as:

(a~~i~~) there is funding available in the budget;~~,~~

(b~~ii~~) ~~does not~~there is no material~~ly~~ change the original scope of work; and

(c~~iii~~) the change order is in the best interests of the city according to the department head.

3. Mayor Approval Required: A department head must obtain the mayor's written approval for any change order, which when added to the aggregate amount of all other prior change orders related to the same project, if any, exceeds the $10,000 or 20% Approval Limit or $200 or 10% Approval Limit, as applicable.

F. Bonds and Other Security: Bid, payment~~,~~ and performance bonds or other securities may be requested for contracts as the purchasing manager or designee deems advisable to protect the city's interests. Any such bonding or other security requirements shall be set forth in the solicitation. Bid, and payment and performance bonds shall not be used as a substitute for a determination of a bidder or offeror's responsibility.

3-1-~~15~~16: CONSTRUCTION PROJECTS:

Municipal construction projects are governed by the appropriate state statutes and may be procured by any method not prohibited by state code.

3-1-~~16~~17: RIGHT TO INSPECT PLACE OF BUSINESS OF CONTRACTORS AND SUPPLIERS:

The mayor or designee may, at reasonable times, inspect the place of business of a contractor or supplier ~~which~~ that is related to the performance of any contract awarded or to be awarded by the city.

3-1-~~17~~18: PROTESTS AND APPEALS:

A. Protest:

1. Protest Permitted: A protestor may file a protest with the purchasing manager or designee only in accordance with the requirements set forth in this section.

2. Content of Protest: For a protest to be considered by the purchasing manager or designee, the protest must be in writing and contain the following:

a. The protestor's name, mailing address, and daytime telephone number, the signature of the protestor or protestor's attorney, and the date the protest is signed;

b. In sufficient detail to provide adequate review by the purchasing manager or designee (i) a statement of facts, (ii) an explanation of the relief sought, (iii) a recitation of the reasons for and legal authority in support of the protest, and (iv) a statement supporting the protestor's claim of standing.

c. A protest may not be considered unless it contains facts and evidence that, if true, would establish:

(i~~1~~) a violation of this chapter or other applicable law or rule;

(ii~~2~~) the procurement unit's failure to follow a provision of a solicitation;

(iii~~3~~) an error made by an evaluation committee or conducting procurement unit;

(iv4) a bias exercised by an evaluation committee or an individual committee member, excluding a bias that is a preference arising during the evaluation process because of how well a solicitation response meets criteria in the solicitation;

(v~~5~~) a failure to correctly apply or calculate a scoring criterion; or

(vi~~6~~) that specifications in a solicitation are unduly restrictive or unduly anticompetitive.

d. A protest may not be based on:

(i~~1~~) the rejection of a solicitation response due to a protestor's failure to

attend or participate in a mandatory conference, meeting, or site visit held before the deadline for submitting a solicitation response;

(ii~~2~~) a vague or unsubstantiated allegation; or

(iii~~3~~) a person's claim that, despite the city abiding by noticing requirements herein, the person did not receive individual notice or received the notice late.

3. Timing of Protest:

a. Bids: A protest arising from an invitation for bid shall be submitted prior to the closing date for receiving bids unless the protestor did not know and could not reasonably have known of the facts giving rise to the protest prior to such time, but in any event, all such protests shall be submitted within five ~~(5)~~ business days after the award of ~~contract~~the bid.

b. Proposals: A protest arising from a request for proposal shall be submitted prior to the closing date for receiving proposals unless the protestor did not know and could not reasonably have known of the facts giving rise to the protest prior to such time, but in any event, all such protests shall be submitted within five ~~(5)~~ business days after the notice of award is posted by the purchasing manager or designee.

c. Quotes, Purchase Orders, Multi-Stage, Approved Vendor List Selection: A protest arising from a request for quotes, purchase order, multi-stage procurement, and approved vendor list selection shall be submitted within five business days after the protestor knew or should have known of the facts giving rise to the protest, but in any event, all such protests shall be submitted in accordance with the following deadlines:

(i~~1~~) for quotes, within five ~~(5)~~ business days from the due date;

(ii~~2~~) for purchase orders that do not result from a competitive solicitation process, within five ~~(5)~~ business days from the date of the purchase order;

(iii~~3~~) for multi-stage procurements, within five ~~(5)~~ business days from the date the protester was notified that they were not being selected to advance to the next stage or being selected as the winning offeror; and

(iv~~4~~) for approved vendor list selection, within five ~~(5)~~ business days after the notice of award is posted by the purchasing manager or designee.

d. Calculation of Days: For purposes of this chapter, the following rules shall be followed in calculating business days:

(i~~1~~) A person shall exclude the business day of the event that triggers the applicable timeline;

(ii~~2~~) A person shall count every day except intermediate Saturdays,

Sundays, and city holidays;

(iii~~3~~) A person shall include the last business day of the period; and

(iv~~4~~) A business day shall begin at 8:00 a.m. and close at 5:00 p.m. pursuant to the time indicated in the city ~~clerk's~~ recorder's office.

4. Procurement Process During Protest Period: In the event of a timely protest, the city may proceed with the procurement, or the purchasing manager or designee may suspend the procurement process, in ~~his or her~~their sole discretion, for so long as ~~he or she~~they determine~~s~~ is appropriate.

5. Purchasing Manager Assistance: The purchasing manager, or designee, may designate another individual~~-~~(s) to assist in reviewing the protest, which assistance may include finding facts, analyzing the protest, and making recommendations to the purchasing manager, or designee.

6. Discovery of Documents: The purchasing manager or designee may request additional information from the protestor or from other persons to decide the protest. The protestor shall have three ~~(3)~~ business days to provide all information requested by the purchasing manager or designee reasonably needed to decide the protest. The purchasing manager may dismiss the protest if the protestor fails to provide the requested information within three ~~(3)~~ business days.

7. Decision on Protest: The purchasing manager~~,~~ or designee shall review and decide protests~~,~~ and shall issue a written decision to the protestor within ~~thirty (~~30~~)~~ business days of receipt of the protest. If the purchasing manager fails to issue a written determination within ~~thirty (~~30~~)~~ business days, said failure shall be considered the equivalent of an order denying the protest.

B. Appeal of the Purchasing Manager's Final Decision:

1. Appeal Permitted: The protestor may appeal the written decision of the purchasing manager by filing: (i) an appeal with the city ~~clerk/~~recorder; and (ii) the bond required by this section with the finance department, within five ~~(5)~~ business days from the purchasing manager's written decision on the protest, or if no written decision is provided by the purchasing manager, within ~~thirty-five (~~35~~)~~ business days from the filing of the protest.

2. Content of the Appeal: For an appeal to be considered by the administrative law judge, the appeal must be in writing and contain the following:

a. The appellant's name, mailing address, and daytime telephone number, the signature of the appellant or appellant's attorney, and the date the appeal is signed;

b. In sufficient detail to provide adequate review by the city:~~,~~

~~-~~(i) a statement of facts;~~,~~

~~-~~(ii) an explanation of the relief sought;~~,~~

~~-~~(iii) a recitation of the reasons for and legal authority in support of the

appeal;

~~,~~(iv) a statement supporting the appellant's claim of standing;~~,~~ and

~~-~~(v) a statement that a final decision has been made by the purchasing manager or that the time to deliver a decision on the appellant's protest by the purchasing manager has expired;

c. An attached copy of:

~~-~~(i) all documents used as evidence or exhibits in the protest;~~,~~

~~-~~(ii) any recording or other record of any proceeding, if applicable;~~,~~ and

~~-~~(iii) the purchasing manager or designee's written decision of the protest, if any.

3. Bond Required: A protestor ~~that~~ who files an appeal under this section will not have it considered unless ~~he or she~~they also file~~s~~ a security deposit in the amount described herein with the finance department before the expiration of the time to file an appeal. The entire security deposit shall be forfeited and be deposited in the general fund of the city if the administrative law judge makes a finding that (i) the appellant's appeal fails and (ii) the protest or appeal was frivolous or that its primary purpose was to harass or cause a delay.

The amount of the security deposit shall be as follows:

a. $1,000, if the total contract value or purchase order is under $25,000;

b. $2,000, if the total contract value or purchase order is $25,000 or more but less than $50,000;

c. $4,000, if the total contract value or purchase order is $50,000 or more but less than $100,000;

d. $10,000, if the total contract value or purchase order is $100,000 or more but less than $250,000;

e. $20,000, if the total contract value or purchase order is $250,000 or more but less than $500,000;

f. $25,000, if the total contract value or purchase order is $500,000 or more but less than $1,000,000;

g. $50,000, if the total contract value or purchase order is $1,000,000 or more but less than $2,000,000;

h. $95,000, if the total contract value or purchase order is $2,000,000 or more but less than $4,000,000;

i. $180,000, if the total contract value or purchase order is $4,000,000 or more but less than $8,000,000;

j. $320,000, if the total contract value or purchase order is $8,000,000 or more but less than $16,000,000;

k. $600,000, if the total contract value or purchase order is $16,000,000 or more but less than $32,000,000; and

l. $1,100,000, if the total contract value or purchase order is $32,000,000 or more.

4. Scheduling of the Hearing: The administrative law judge shall review and hear the appeal. No later than five ~~(5)~~ business days after receiving a notice of appeal, the administrative law judge shall schedule a hearing on the appeal. Unless otherwise agreed to by the city and appellant, the hearing shall be held no sooner than five ~~(5)~~ business days and not later than ~~thirty (~~30~~)~~ business days from the date of the filing of the appeal.

5. Hearing: During the hearing before the administrative law judge, the appellant and the city's representatives shall be allowed to testify, present evidence, and comment on the issues. The administrative law judge may allow other interested persons to testify, comment, or provide evidence on the issues. Notwithstanding any other provisions of the code, the appellant may not present evidence or testimony that was not presented in its protest or present new or additional arguments or grounds in support of its position that were not made in support of its protest.

6. Order: No later than ~~fifteen (~~15~~)~~ business days after the hearing, the administrative law judge shall issue a signed order either granting or denying the appeal, in whole or in part. If the administrative law judge fails to issue a decision within ~~thirty (~~30~~)~~ business days after the hearing, said failure shall be considered the equivalent of an order denying the appeal.

7. Basis of Order: The administrative law judge shall consider and decide the appeal based solely on: (i) the appeal, (ii) the protest record, and (iii) the admissible evidence at the hearing. The administrative law judge may dismiss an appeal if the appeal does not comply with the requirements of this chapter~~,~~ and shall uphold the protest decision unless the protest decision is found to be arbitrary and capricious or clearly erroneous.

8. Content of Order: The order of the administrative law judge shall include:

a. The decision on the appeal, and any reasons for the decision the administrative law judge may wish to provide;

b. A statement that any party to the appeal may appeal the decision to the Utah Court of Appeals; and

c. A determination as to whether the bond should be forfeited to the city pursuant to this chapter.

9. Appeal to the Utah Court of Appeals:

a. If an appellant appeals the dismissal, denial, or adverse decision of an administrative law judge, the appellant must file the appeal to the Utah court of appeals.

b. The Utah Court of Appeals:

(1) shall consider the appeal as an appellate court;

(2) may not hear the matter as a trial de novo; and

(3) may not overturn a finding, dismissal, or decision unless the finding, dismissal, or decision, is arbitrary and capricious or clearly erroneous.

3-1-~~18~~19: ETHICAL STANDARDS FOR CURRENT AND FORMER CITY OFFICERS AND EMPLOYEES:

By submitting a quote, bid, or proposal, in response to any solicitation request, the bidder, offeror, or contractor represents that they have not: 1) provided an illegal gift or payoff to a city officer or employee or former city officer or employee, or his or her relative or business entity; 2) retained any person to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, other than as exempted in the city conflict of interest ordinance; or 3) knowingly influenced (and hereby promises that it will not knowingly influence) a city officer or employee or former city officer or employee to breach any of the ethical standards set forth in ~~the ethics ordinance in title 1, chapter 11 of the~~ West Jordan city code.

3-1-~~19~~20: MANAGEMENT, DISPOSAL, AND DONATION OF PERSONAL AND REAL PROPERTY:

A. Management of Property:

1. Personal Property Management: Department heads shall exercise supervision of the receipt, storage, and distribution of all inventories of city personal property within the control of or assigned to their respective departments. All city property located in warehouses and similar storage areas shall be inventoried annually, and accountability for the property shall reside with the respective department heads.

2. Real Property Management: The real property administrator shall exercise supervision of the acquisition, purchase, sale, and disposal of all real property of the city. The real property administrator shall update the mayor annually upon all acquisitions, disposals, and leasing of city-owned real property.

B. Surplus of Personal Property: Department heads shall dispose, sell, or donate property as follows:

1. Internal Surplus Property: Except as otherwise specified below, the department head having control or possession of city property, including any vehicle, that is so used, obsolete, ~~damaged, unsafe for use~~, depreciated, excess or is no longer necessary to current and projected needs as to be determined unfit or undesirable for use or retention by the city may recommend to the mayor that such property be surplused. ~~Department head~~Upon such notice, and as applicable, the purchasing manager or designee shall send notice to city departments of the availability of items to be surplused. ~~shall present a written list to the mayor or designee at a regularly scheduled meeting with all of the department heads.~~ If no department ~~heads are~~ is in need of the property on the list, the mayor may approve in writing the property as surplus, whether in whole or in part, and authorize the disposal,

~~sell~~sale, or gift of the property at a public auction in accordance with applicable law.

2. Property No Longer Needed as Evidence: The police chief having control or possession of property, including firearms, no longer needed as evidence shall follow the procedures set forth in Utah Code ~~Annotated~~ § 24-3-101, *et seq*., as amended. All dispositions of such property shall be for a public interest use, including the donation of property to public or private charities, and must first be approved by the city council in accordance with Utah state code.

3. Lost, Mislaid, Unclaimed, or Abandoned Property: The police chief having control or possession of property that is lost, abandoned, unclaimed, or mislaid shall follow the procedures set forth in Utah Code ~~Annotated~~ § 77-24a-1, *et seq*., as amended. All dispositions of such property shall be for public interest use, including the donation of property to public or private charities, and must first be approved by the city council in accordance with Utah state code.

~~4~~. Unique, Special, or Limited Use Property: Unless otherwise stated above, a department head having control or possession of property that is unique or special, dangerous to the public, or is limited in its public use shall present a written list to the mayor or designee with a recommendation to dispose, sell, or donate the property to another person or governmental agency to use or dispose of. Examples under this category include, but is not limited to, fire trucks, dangerous weapons, police vehicles, and equipment only specific persons or agencies are trained and licensed to use.

5. Unsold Property: If the surplus item is subjected to sale to the highest bidder at public auction and remains unsold, the mayor may sell, donate to a charitable organization, or to any person for such price as the mayor deems appropriate or may dispose of as the mayor shall direct.

6. Damaged, Unsafe, Unrepairable Property: Upon approval of the Purchasing Manager, the department head may recycle or otherwise dispose of damaged, unsafe, or mechanically unrepairable property that is deemed unsuitable for public use.

7. Minimal Value: Upon approval of the Purchasing Manager, a department head may dispose of an item of minimal value, defined as property that is valued at less than $50 or estimated by the purchasing manager to have a value to be less than $50. If the property is posted for sale for $50 or more and does not sell, it is presumed to be property with minimal value and may be disposed of in accordance with this provision.

C. Surplus of Real Property: The mayor or designee may authorize the sell or donation of real property as follows:

1. Sale or Donation of Real Property that is Not a Significant Parcel: From time to time, the mayor or designee may compile a list of surplus city real property. If a parcel of surplus property is not a “significant parcel”, the mayor may sell it for fair market value using any means that is reasonable, fair, and advances the best interest of the city.

2. Sale or Donation of Real Property that is a Significant Parcel: From time to time, the mayor or designee may compile a list of significant parcels of real property and shall follow the procedures as set forth below:

a. Public Hearing: The mayor or designee shall schedule and provide reasonable notice of a public hearing that public comment may be received regarding the sale of the significant parcel of real property. The mayor or designee shall conduct the public hearing.

b. Public Hearing Notice: Reasonable notice of the public hearing must be published but not less than ~~fourteen (~~14~~)~~ days before the public hearing. "Reasonable Notice," as used herein, means:

-(i) publication in a newspaper or newsletter of general circulation within the city;~~,~~

-(ii) posting in public places within the city;~~,~~

(iii) posting on the city's website;~~,~~ or

(iv) other means of notification accessed by city residents.

-Notice shall contain the date, time, and location of the public hearing.

D. Fund Credited: Monetary proceeds from the sale or other disposition of items pursuant to this section shall be credited to the general fund account.

Attachment B (Clean)

Chapter 1
CITY PROCUREMENT

3-1-1: PURPOSE AND SCOPE:
3-1-2: DEFINITIONS:
3-1-3: GENERAL PURCHASING REQUIREMENTS:
3-1-4: PROCUREMENT AUTHORITY:
3-1-5: GENERAL GOODS AND SERVICES FORMAL COMPETITIVE SOLICITATION THRESHOLDS:
3-1-6: FORMAL COMPETITIVE SOLICITATION THRESHOLDS FOR INDIVIDUAL CATEGORIES:
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3-1-10: ADDITIONAL PROCUREMENT TOOLS:
3-1-11: TIE BIDS
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3-1-16: CONSTRUCTION PROJECTS:
3-1-17: RIGHT TO INSPECT PLACE OF BUSINESS OF CONTRACTORS AND SUPPLIERS:
3-1-18: PROTESTS AND APPEALS:
3-1-19: ETHICAL STANDARDS FOR CURRENT AND FORMER CITY OFFICERS AND EMPLOYEES:
3-1-20: MANAGEMENT, DISPOSAL, AND DONATION OF PERSONAL AND REAL PROPERTY:

3-1-1: PURPOSE AND SCOPE:

The purpose of this chapter is to:

(1) Maximize the purchasing value and efficiencies of public funds;

(2) Provide safeguards for maintaining a procurement system of quality and integrity;

(3) Foster transparency and effective broad-based competition while providing quality goods and services to the citizens and businesses of the city; and

(4) Provide for the fair and equitable treatment of all who conduct public procurement and related business activities within the city.

Unless otherwise required by state or federal law, this chapter shall govern all procurement processes, contracts, and expenditures of the city on and after 12:00 noon, May 13, 2025. This chapter does not adopt the state or federal procurement codes or any portions therein.

Nothing in this provision creates rights, interests, or causes of action against the city, its officers, agents, or employees.

3-1-2: DEFINITIONS:

The definitions stated herein apply exclusively to this chapter.

ADDENDUM OR AMENDMENT: A written modification or revision to any document used in the competitive solicitation process or contract document.

AGENCY CONTRACT: A contract between the city and another governmental agency to buy goods or services.

APPELLANT: A person who has standing and files an appeal to an administrative law judge for review and determination of whether the purchasing manager's decision on a protest should be upheld.

APPROVED VENDOR LIST (AVL): A list of vendors that were individually evaluated by city staff and deemed qualified to perform certain services for the city in later competitive solicitations based on information submitted by the vendor in response to the city's request for a statement of qualifications.

BEST AND FINAL OFFER (BAFO): An offeror's revised terms of its proposal after initial reviews, scoring, interviews, and discussions have concluded with all offerors who have progressed through the advancement criteria as stated in an RFP.

BID: A sealed document or set of sealed documents representing the bidder's offer to sell goods or services at a specified price, terms, and specifications set forth in the invitation for bids.

BUILDING IMPROVEMENT: The construction or repair of a public building or structure.

BUILDING IMPROVEMENT INFORMAL COMPETITIVE SOLICITATION THRESHOLD: The estimated dollar amount of a good or service that does not require the use of formal methods of competitive solicitation as set forth in this title.

COMPETITIVE SOLICITATION: Competitive solicitation may be either informal or formal as set forth below:

A. Informal Competitive Solicitation Process: An informal process in which potential bidders, offerors, and contractors are invited to submit quotes or surveys by telephone, email, online procurement service, direct vendor delivery or another written price comparison.

B. Formal Competitive Solicitation Process: A formal process in which potential bidders, offerors, and contractors are invited to submit bids and proposals through an online procurement service.

CONFLICT OF INTEREST: Any action that is taken by an elected official or employee of the city that may cause direct or financial benefit or detriment to themselves, their immediate family, or an entity that they own or hold an interest in, if that benefit or detriment is distinguishable from the effects of that action on the public or on the elected official or employee's profession, occupation, or association generally.

CONSTRUCTION: The process of building, altering, repairing, improving, or demolishing any city structure or building, or other improvements to any city real property. It does not include routine repairs,

or maintenance of existing structures, buildings, or real property.

CONTRACT: A legally enforceable agreement between two or more competent parties for the procurement of goods or services.

CONTRACTOR: Any person who legally buys and/or sells goods or services to the city or desires to do so through the competitive solicitation processes.

COOPERATIVE PURCHASING ORGANIZATION: An organization, association, or alliance of purchasers established to combine purchasing power in order to obtain the best value for the purchasers by engaging in procurements.

DE MINIMIS SOLICITATION THRESHOLD: Threshold for small-dollar purchases not requiring procurement requests for quotes or formal competitive solicitation processes.

DESIGNEE: A person who has been delegated purchasing authority to perform functions that would regularly be held by another person.

DISBURSEMENT: The payment of the following liabilities, goods, and services: 1) media advertising, 2) insurance premiums, 3) legal fees and services, 4) credit card payments, 5) land and building purchases, or rentals, , 6) registration for meetings or training sessions, including pre-paid hotel costs, 7) subscriptions, memberships, professional registrations, and publications, 8) utility payments, 9) petty cash reimbursements, 10) employee reimbursements including eyewear, health insurance, and educational, 11) postal charges/fees, 12) parking fees, 13) worker compensation fees, 14) credit reporting fees, 15) bond releases, 16) witness fees, 17) phone bills, 18) radio service (UCAN), 19) refunds of city fees or charges, 20) title searches / rights-of-ways, 21) animal control adoption, spay, and neuter program, 22) seized assets (police), 23) found property (police), 24) K9 veterinary services, 25) revenue generating contracts, 26) used vehicles and equipment, and 27) employee team building events and trainings.

EMERGENCY CONDITION: An event or action that creates an immediate and serious need for goods and services that cannot adequately be addressed using customary procurement methods. Such a need may arise, for example, by reason of a natural disaster, epidemic, riot, equipment failure, or other reason.

EMERGENCY PROCUREMENT: The procurement of goods and services that cannot be reasonably purchased through normal procurement methods due to an existing or imminent emergency condition, public threat, or unforeseen circumstances without compromising city property or without delaying any work that may affect the life, health, safety, or welfare of the public.

FORMAL COMPETITIVE SOLICITATION THRESHOLD: The estimated dollar amount of a good or service that would require the use of formal methods of competitive solicitation as set forth in this title.

GOODS: Tangible items that are sold for use, including but not limited to, all materials necessary for construction.

GOVERNMENT AGENCY COOPERATIVE CONTRACT: An agreement between a vendor and another government agency that allows other government agencies to procure goods and services from the vendor at the same price and terms as was in the initial agreement.

INFORMAL COMPETITIVE SOLICITATION THRESHOLD: The estimated dollar amount of a good or service that does not require the use of formal methods of competitive solicitation as set forth in this title.

INFORMAL SURVEY: A procurement process where a department may informally survey one or more vendors regarding their services and pricing on specific matters to determine the most appropriate vendor in a given circumstance. Such matters might include vendor experience, unique qualifications, processes, business theories, technologies, best practice concepts, and standards or other specialized criteria that are not reasonably available through a competitive procurement process.

INVITATION FOR BIDS (IFB): A document, and all attachments thereto, that is used for seeking bids on purchases usually estimated to be greater in total value than the formal competitive solicitation thresholds.
MINIMAL VALUE: A calculated average labor hour value that, given the number of labor hours needed to perform the surplus function of the city-owned property, exceeds the estimated current value of said property.

MINOR IRREGULARITY / INFORMALITY: A variation in an official bid, offer, or contract that does not: (i) affect the price of the bid, offer, or contract, (ii) give a bidder or offeror an advantage or benefit not shared by other bidders or offerors, or (iii) adversely impact the interest of the city. Examples include but are not limited to:

A. Failing to sign the bid, proposal, or other procurement documents requiring a signature, but only where they are accompanied by other materials clearly demonstrating an intent to be bound by the bid, proposal, or other procurement documents;

B. Failing to acknowledge receipt of an addendum, but only if the materials clearly demonstrate the bidder or offeror received the addendum and intended to be bound by the addendum, or the addendum has a negligible effect on the bid, proposal, or other offer or submission that would not result in a change in the originally submitted price; and

C. Minor mistakes if the intent of the bid, proposal, or other offer or submission is clearly evident on the face of the document. Some examples of minor mistakes include typographical errors, errors in extending unit prices, transposition errors, and arithmetical errors.

MULTIPLE STAGE PROCUREMENT: A procurement process used in an IFB or RFP to advance qualified bidders through a series of criteria and stages before a bidder is allowed to submit a cost element for a bid or proposal. Some examples of criteria and qualifications that may be used include but are not limited to the following: Experience, education, licensing, work examples, concepts, demonstrations, quality of work and/or goods, licensing, certifications, and years in business.

ONLINE PROCUREMENT SERVICE: A website or group of websites designed to assist in posting IFBs, RFPs, RFQs, SOQs, and other procurement solicitations and receiving responses to such solicitations by vendors.

PERSON: An individual, corporation, company, business, organization, association, or governmental entity, and their respective employees and agents.

PROFESSIONAL SERVICES: The furnishing of labor, time, or effort by a professional that possesses an elevated degree of specialized knowledge and discretion that may be exemplified by formal education, certification, advanced training, or other qualification, as required by a trade industry, a licensing organization, or the inherent characteristics of the work or services desired. Professional services may include the labor, time, and effort within the following disciplines (this is not an exhaustive list of disciplines or examples):

A. Accounting

B. Architecture

C. Artistic endeavors

D. Appraisal services

E. Auditing

F. Banking

G. Constable services

H. Construction design and management

I. Consulting services

J. Engineering

K. Environmental

L. Financial

M. Information technology

N. Law

O. Lobbyist services

P Medicine

Q. Psychiatry

R. Software implementation

S. Underwriting

T. Veterinary

PROTEST: A document or set of documents filed in compliance with the requirements of section 3-1-17(A).

PROTESTOR: A person who has standing and has filed a protest in connection with the city's procurement of goods or services. A protestor shall not mean an appellant, as otherwise defined herein.

PUBLIC INFRASTRUCTURE: Essential public services and functions provided by the city to meet the needs of the community that typically include but are not limited to: water supply, sewage and waste management systems, public transportation networks, road maintenance, parks and recreation, and public buildings. These functions may be provided by city departments such as Public Services, Public Works,

and Public Utilities.

PUBLIC INFRASTRUCTURE INFORMAL COMPETITIVE SOLICITATION THRESHOLD: The estimated dollar amount of a good or service that does not require the use of formal methods of competitive solicitation as set forth in this title.

PUBLIC THREAT: A circumstance that appears likely to adversely impact the public's health, welfare, convenience, or safety. Such may arise when circumstances appear to create, as examples, a risk of environmental contamination, traffic congestion or hazards, disruption of utility or other public services provided by the city, or other matters.

PURCHASING; The process of buying, procuring, renting, leasing, or otherwise acquiring any good or service. The term "procurement" shall be interchangeable with the term "purchasing". It also includes all functions that pertain to the purchase of goods or services, including:

A. Description of requirements

B. Selection and solicitation of bids, proposals, qualifications, or quotes

C. Preparation and award of contract; and

D. All phases of contract administration

PURCHASING CARD (P-CARD): City-issued credit cards are generally used for expenditures less than the current informal competitive solicitation limit.

PURCHASING DIVISION: A division within the finance department that is responsible for obtaining goods and services needed in support of the city's departments.

PURCHASING MANAGER: An authorized agent of the city to review purchase requests, prepare bids, quotes, proposals, and specifications, issue purchase orders, and contracts, evaluate responses to solicitations, and award contracts.

PUBLIC AUCTION: An online or in-person forum that provides the general public an opportunity to bid on surplus goods being sold to the highest bidder.

PURCHASE ORDER (PO): A document drafted and issued by the purchasing manager or designee to formalize a purchasing transaction with a supplier. The PO should contain specific information regarding the quantity, description, and price of the goods or services being ordered.

REQUEST FOR INFORMATION (RFI): A document or set of documents that solicits information, comments, or suggestions from potential bidders or offerors before any competitive solicitation begins. An RFI may not result in an award of a purchase order or contract.

REQUEST FOR PROPOSALS (RFP): A document, and all attachments thereto, that is used for seeking proposals for goods and services where the lowest price is generally not considered as the most important criteria or is only one of several determining factors in the selection of the winning proposer.

REQUEST FOR QUOTES (RFQ): A verbal or written request for the cost, availability, and quality of goods or services that are estimated to total less than the formal competitive solicitation threshold over the initial term of the proposed contract or purchase order and all potential renewal periods.

REQUEST FOR STATEMENT OF QUALIFICATION (SOQ): A document or set of documents requesting the qualifications of potential offerors for a specific project or goods or services that, if approved, would allow the offerors to submit proposals or bids on specific city projects requiring the qualifications set forth in the city's request.

REQUISITION: An internal document by which a requisitioner requests the purchasing manager or designee to initiate a purchase.

REQUISITIONER: The person who creates a requisition which is sent to the purchasing manager or designee to initiate a purchase.

RESPONSIBLE: A person that has the capability, as determined in the sole discretion of the city, to perform all requirements of the competitive solicitation, the final contract, and/or purchase order.

RESPONSIVE: A person that has submitted a quote, bid, or proposal that conforms in all material respects to the competitive solicitation specifications, terms and conditions, and all other requirements of the competitive solicitation, as determined in the sole discretion of the city.

SERVICES: Labor, effort, or work that provides a benefit to the city, including but not limited to construction work necessary to complete public infrastructure services projects or building improvements.

SIGNIFICANT PARCEL OF REAL PROPERTY: For purposes of this chapter, a significant parcel of real property is:

A. A single parcel of real property, or a combination of contiguous parcels of real property, having an estimated value in excess of $50,000 as determined by using the county assessed value;

B. A single parcel of real property or a combination of contiguous parcels of real property, having a size in excess of one acre as determined by using the county assessed acreage; or

C. An agreement involving an interest in property for less than a fee, the value of which exceeds $50,000.

SOLICITATION THRESHOLDS: Monetary limits that determine when an informal or formal solicitation process is required in the procurement of goods and services. Limits may include micro and macro de minimis limits, professional services, and informal and formal solicitation limits. Approved thresholds shall be published annually in the City's budget to ensure that the solicitation threshold limits are up-to-date and current with economic factors for all stakeholders involved in procurement activities.

SPECIFICATION: Any description of the physical or functional characteristics or of the nature of the good or service being procured through the competitive solicitation process. It may include a description of any requirement for inspecting, testing, or preparing an item being procured for installation and/or delivery.

STANDING: A protesting potential or official bidder, offeror, or contractor ("Bidder, Offeror, or Contractor") will only have standing if all of the following conditions are present:

A. The bidder, offeror, or contractor that has suffered or is about to suffer imminent harm, provided that the actual or threatened harm is:

1. an infringement of the protestor's own right and not the right of another person who is not a party to the procurement;

2. caused by the City's conduct; and

3. the sole reason the bidder, offeror, or contractor is not considered, or is no longer considered for an award of a contract under the procurement that is the subject of the protest.

B. A decision on the protest in favor of the protestor is reasonably likely to redress the harm and would give the bidder, offeror, or contractor a reasonable likelihood of being awarded a contract or not terminating the contract. A subcontractor or potential subcontractor shall not have standing to protest or appeal a protest or act as an agent of the bidder, offeror, or contractor in the bidder, offeror, or contractor's protest or appeal.

SUPPLIER: Person(s), business entity, or business entities who or which provide goods and services in response to any procurement solicitation. The term "supplier" shall be interchangeable with the terms "vendor," "provider," and "contractor."

SURPLUS PROPERTY: City real and personal property set forth in section 3-1-20.

TIE BID: Tie bids are low responsive bids from responsible bidders that are identical in price, and which meet all the requirements and criteria set forth in the Invitation for Bids or Request for Quotes.

TIE SCORE: Tie scores are a result of two or more respondents' identical overall scores received from a Request for Proposal evaluation committee and which meet all the requirements and criteria set forth in the RFP.

TRANSIT FACILITY: A transit facility is an existing or proposed transit passenger station, an existing or proposed transit maintenance, storage, or service facility, or an existing or proposed right of way for use in providing transit services.

TRANSPORTATION FACILITY: Transportation Facilities include highways, turnpikes, airports, railroads, including high-speed railroads, bicycle, and pedestrian facilities, waterways, pipelines, electric utility facilities, communication lines and facilities, public transportation facilities, port facilities, and facilities appurtenant to other transportation facilities

TRANSITIONAL COSTS: The costs of changing: (i) from an existing provider of a procurement item to another provider of that procurement item; or (ii) from an existing type of procurement item to another type. Transitional costs include: (i) training costs; (ii) conversion costs; (iii) compatibility costs; (iv) costs associated with system downtime; (v) disruption of service costs; (vi) staff time necessary to implement the change; (vii) installation costs; and (viii) ancillary software, hardware, equipment, or construction costs. Notwithstanding, transitional costs do not include (i) the costs of preparing for or engaging in a procurement process or (ii) contract negotiation or drafting costs.

UNFORESEEN CONDITION: A circumstance that creates a need to procure goods or services within time frames that could not be reasonably anticipated or reasonably accommodated under customary procurement methods to preclude identifiable adverse impact to the city or to the public's health, welfare, convenience, or safety.

3-1-3: GENERAL PURCHASING REQUIREMENTS:

The following general requirements apply to all purchases for goods and services:

A. Requisitions:

1. A requisition or purchase order for goods and services is required for purchases that are:
a. Not paid for with a P-Card;

b. Applied to an approved purchase order or contract; or

c. Listed as a disbursement. Requirements related to requisitions are listed as follows:

2. The requisition submitted to the purchasing manager must contain the following, if applicable:

a. The program and account numbers.

b. The quantity, description, specifications, and scope of work.

c. All quotes or bid tabulation, and supporting documentation.

d. Department head or designee financial system workflow approval.

e. Email addresses of known potential suppliers.

3. The supporting documentation attached to the requisition shall be submitted and recorded as follows:

a. If the purchase amount is less than the formal competitive solicitation threshold t the supporting vendor quote, or invoice documentation or quote tabulation must be included in the requisition.

b. For anticipated procurements that exceed the informal competitive solicitation threshold, departments must complete and send the applicable IFB or RFP documents, including specifications and requirements, to the purchasing division to initiate a procurement process.

c. After the procurement process has resulted in an award, the requesting department will enter a requisition with the supporting documentation provided by the purchasing manager for processing.

4. Approval: Requisitions are approved through the financial system's approval workflow process.

B. Unless otherwise exempted, purchases over the de minimis micro value solicitation threshold that are not classified as a public infrastructure or building improvement project shall require competitive solicitation. Purchases under the de minimis micro value solicitation threshold do not require competition and may be purchased from any available vendor.

C. Unless otherwise exempted, all public infrastructure and building improvement projects over the

de minimis macro value solicitation threshold shall require competitive solicitation as defined in this chapter. Purchases for public infrastructure and building improvements under the de minimis macro solicitation threshold do not require competition and may be purchased from any available vendor.

D. Unless otherwise exempted or procured through the informal survey process, professional service projects that are greater than the formal threshold shall require competitive solicitation as defined in this chapter. Purchases for professional services under the formal solicitation threshold do not require competition and may be purchased from any available vendor.

E. Purchases divided into two or more smaller purchases to avoid using a standard procurement process are prohibited.

F. Purchases above the applicable threshold without a requisition or purchase order ("after-the-fact" purchases), are considered non-compliant with the city's purchasing policies. Employees failing to comply with this policy may be subject to disciplinary action, up to and including termination. This provision does not apply to P-Card purchases.

G. For any purchase using federal funding, the contractors must be checked using the www.sam.gov/SAM website to ensure they have not been excluded from providing goods and services for federal award programs.

H. Council staff, city officers, and employees who use a P-Card must submit all receipts, supporting documentation, and account funding information to the Administrative Services Department, p-card administrator(s), or the council director, as applicable, on a monthly basis.

I. When determining the proper level of procurement authority for a given purchase or whether a competitive solicitation is required pursuant to this chapter, the length of the contract including all potential renewal terms, shall be considered for purposes of calculating the total estimated price of the procurement of goods or services.

For example, if the purchasing manager estimates that the purchase of a particular good or service is expected to have a value of $20,000 annually for a contractual term of one year with the option to renew for an additional four one-year terms, the value of the contract would be $100,000 and not $20,000. In this example, competitive solicitation is required.

J. The mayor, purchasing manager, or their respective designee(s) may allow others to assist in the preparation of specifications for the city's use in making procurements, provided there is no conflict of interest involved.

K. The city reserves the right to reject or cancel any or all invitations for bids, requests for proposals, requests for quotations, or other solicitations. The mayor or purchasing manager may waive any immaterial formality, error, technicality, or other irregularity of any procurement processes or procedures if doing so would be in the best interest of the city.

3-1-4: PROCUREMENT AUTHORITY:

A. Purchases Under the Public Infrastructure Formal Competitive Threshold: The Department heads, the purchasing manager, or their respective designee(s) may purchase goods and services where the total estimated value is less than the formal competitive threshold.

B. Purchases for Building Improvements: Department heads or their designee(s) shall be authorized to purchase necessary goods and services required to complete building improvements where the dollar amount is less than the formal competitive solicitation threshold.

C. Purchases for Professional Services: Department heads, the purchasing manager, or their designee(s) shall be authorized to purchase professional services pursuant to section 3-1-8(D) or section 3-1-9(B) up to the formal competitive solicitation threshold.

D. General Delegation of Authority: The mayor may delegate authority to purchase goods and services for the city as deemed appropriate and within his scope of procurement authority. These delegations shall be in writing and may be limited in scope, as the mayor directs.

E. Prior to award, the mayor must approve the procurement of goods and services where the dollar value exceeds the limits described in this section.

3-1-5: GENERAL GOODS AND SERVICES FORMAL COMPETITIVE SOLICITATION THRESHOLD:

Except as otherwise exempted in this chapter, the procurement of goods and services requires formal competitive solicitation when the estimated total amount of the purchase or contract exceeds the informal competitive solicitation threshold. This formal competitive solicitation threshold may be increased annually as adopted in the budget.

3-1-6: FORMAL COMPETITIVE SOLICITATION THRESHOLDS FOR INDIVIDUAL CATEGORIES:

A. Building Improvements: The procurement of building improvements requires formal competitive solicitation when the estimated total amount of the purchase or contract exceeds the informal building improvement competitive solicitation threshold. The procurement of building improvements with an estimated total amount of the purchase or contract less than the formal building improvement competitive solicitation threshold may be purchased through the de minimis or informal competitive solicitation thresholds as applicable.

B. Public Infrastructure Projects: The procurement of public infrastructure projects does not require formal competitive solicitation unless the estimated total amount of the purchase or contract exceeds the informal public infrastructure competitive solicitation threshold. The procurement of public infrastructure projects with an estimated total amount of the purchase or contract totaling less than the formal public infrastructure competitive solicitation threshold may be purchased through the de minimis or informal competitive solicitation process as applicable.

3-1-7: COMPETITIVE SOLICITATION METHODS AND PROCESSES:

Competitive solicitation methods may be either:

A. Informal, pursuant to section 3-1-8 or

B. Formal, pursuant to section 3-1-9. Additional procurement processes may be used if in the best interests of the city, pursuant to section 3-1-10.

C. Formal or informal competitive solicitation methods are not required if exempted, pursuant to section 3-1-12.

3-1-8: INFORMAL COMPETITIVE SOLICITATION:

A. Request for Quote (RFQ) Process for General Goods and Services:

1. The RFQ process may be used when the expected total amount of the purchase is greater than the de minimis solicitation threshold and is less than the formal competitive solicitation threshold.

2. A minimum of three quotes shall be obtained by telephone, email, online procurement service, direct vendor delivery, or another price comparison.

3. All other department heads may use the RFQ process only if the estimated amount of the purchase or contract is equal to or less than the informal competitive solicitation limit.

4. The purchasing manager may use the request for quotes process, if necessary, for all purchases not otherwise required to be procured through a formal competitive process or an informal survey.

B. Request for Quote (RFQ) Process for Public Infrastructure Projects: Department heads may use this process when the expected total amount of the purchase is greater than the de minimis solicitation threshold and is less than the public infrastructure formal competitive solicitation thresholds set forth in section 3-1-6.

C. Informal Survey Process: A contract for professional services may be solicited by an informal survey process.

1. The selection of professional services using an informal survey process shall be pre-approved by the mayor before the informal survey process may be used.

2. Survey information should contain:

a. Information regarding the type of service needed;

b. The methodology to be used during the selection process;

c. The anticipated cost of the professional services; and

d. The expected term of the provided service.

3. After the department head selects the professional firm or contractor using data gathered from the informal survey, a written and signed award recommendation shall be presented to the mayor for final approval.

4. After mayor's approval, all supporting documentation and approvals shall be provided to the purchasing manager who will retain the information in the project purchasing file.

5. A department head using an informal survey for professional services that exceeds or is likely to exceed $25,000 shall give a written disclosure to the city council within 14 days from the mayor's approval of the award.

D. Professional Services: The procurement of professional service providers and consultants does not require the use of formal methods of competitive solicitation unless the estimated total amount of the purchase or contract exceeds the formal solicitation threshold as set forth in section 3-1-3(A) and (C.)

3-1-9: FORMAL COMPETITIVE SOLICITATION:

A. Invitation for Bids: The purchasing division may solicit sealed bids which shall be awarded to the lowest responsible and responsive bidder.

1. Bid Preparation:

a. The department head or designee seeking to procure a good or service shall prepare an IFB using standard city formats with complete, accurate, and understandable specifications and submit such to the purchasing manager.

b. The purchasing manager will review the IFB and proposed contract for compliance with federal and state law (if federal or state funds are applicable) and city ordinances.

c. Once the purchasing manager has reviewed and approved the IFB for advertisement, they will advertise the IFB pursuant to this section.

2. Advertisement:

a. All invitations for bids shall be advertised at least once in a generally and widely available medium including but not limited to newspapers, business journals, city websites, and online procurement service.

b. The city shall post the notice as described above at least five business days in advance of the bid due date, unless a department requests a shorter time that is approved by the mayor or designee. All requests to shorten the advertisement period to a period less than five business days should be in writing, submitted to the mayor, and include:

(i) the requested reduced time of posting;

(ii) verification that there is sufficient competition from multiple sources who can respond within the shortened advertisement timeline; and

(iii) the unique nature of the request.

c. Notwithstanding this subsection, any procurement subject to noticing requirements of state and/or federal law shall comply with those requirements.

3. Bid Clarifications and Specification Substitution Requests: Bidders may submit questions, requests for clarification of specifications, or product and/or specification substitution prior to the question due date specified in the bid requirements. All requests shall be made through the online procurement service. All responses by the purchasing manager or designee, if any, to the bidder's questions, clarifications, and substitutions of specifications may be posted on the online procurement service in the "Question and Answer" section or by modifying the specifications through an official addendum.

4. Receipts of Sealed Bids: All sealed bids shall be received through the online procurement service by the time and date specified in the invitation for bids. If no sealed bids are received by the deadline to submit, the purchasing manager, upon the mayor's approval, may seek bids using any method described herein without further competition.

5. Verification: The city may verify and investigate any part of the competitive solicitation process, including but not limited to requesting documents and questioning potential or official bidders. If the potential or official bidder fails to respond to questions or requests, the potential or official bidder may be found to be a non-responsible or non-responsive bidder and disqualified from continuing the solicitation process or being awarded the contract. The city's failure to discover any matter shall not preclude any subsequent evaluation or action. The city shall determine in its sole discretion:

(a) what actions may be appropriate for verification or investigation;

(b) the responsiveness of questions or requests;

(c) disqualification or qualification; and

(d) successful bid and/or award of contract.

6. Bid Review: Bids shall be received and reviewed by the purchasing manager and verified by the department head or designee making the purchase or entering into the contract that bidders meet the requirements stated within the bidding document. The purchasing manager or designee may request additional information from vendor(s) at any time throughout the procurement process. The city reserves the right to evaluate and waive any minor informalities to determine the overall impact of the bid process and value to the city.

7. Awarding the Winning Bid: Subsequent to the deadline for the submission of bids, the purchasing manager shall post the bid tabulation sheet showing the total bids for each bidder. After the purchasing manager and department head or designee have determined the lowest bid which complies with all solicitation requirements, the purchasing manager may award the bid to the lowest responsible and responsive bidder. Within three days after the purchasing manager awards the bid, the purchasing manager will post notice of the award on the online procurement service.

B. Requests for Proposals: The purchasing division may solicit sealed proposals which may be awarded to the highest scoring or highest ranked responsive and responsible offeror.

1. Process for Solicitation of Proposals: Unless otherwise stated below, the general principles and processes related to the solicitation of sealed bids shall apply to the process of soliciting sealed proposals.

2. Proposal Review: Once the sealed proposals are received through the online procurement service, the purchasing manager and the department head or designee requesting the sealed proposals may review the proposals for compliance with all solicitation requirements. The purchasing manager, in coordination with the department head or designee, shall form an evaluation committee to evaluate and score the proposals based on criteria set forth in the RFP.

3. Evaluation Criteria: All proposals will be evaluated based on criteria set forth in the request for proposals. The evaluation criteria may, but is not required to, include the following evaluation criteria:

a. The extent of the specialized experience of the individual or firm in the type of work required;

b. The degree and depth of professional qualifications available through the applicant for the performance of the services required;

c. Past performance of the applicant on similar projects, in general, and city projects in particular;

d. Location and accessibility of the offices of the professional submitting the proposal;

e. The proposed schedule for completing the scope of work;

f. The facilities and equipment at the disposal of the professional submitting the proposal;

g. The projected work hours and costs associated with providing the services outlined in the scope of work;

h. For construction projects, an offeror's company general safety plan and project-specific safety plan;

i. The offeror's ability to work cooperatively with the city, including, without limitation, whether the bidder has previously failed to comply with city agreements or other requirements, nonpayment of sums due to the city, poor working relationships with or adversarial actions against the city, suspension, or other proceedings by the city against the bidder, or failure to assist the city in determining responsibility; and

j. The offeror's capacity to perform contractual requirements, including whether the bidder has available appropriate financial, material, equipment, facility and personnel resources and expertise, or the ability to obtain them, including without limitation, legal capacity to enter an agreement, the ability to perform within required times, or the ability to perform any necessary future service and maintenance.

4. Evaluation Committee: The department head or designee shall appoint an evaluation committee that shall be comprised of no less than three members.

5. Best and Final Offers: As provided in the RFP, discussions and/or RFP modifications may be conducted with the responsible offerors who submit proposals determined to have a reasonable chance of being selected. Offerors shall be accorded fair and equal treatment to discuss and revise proposals in writing and such written revisions may be permitted by the selection committee after submissions and prior to award to obtain best and final offers. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing offerors, except for the names of the offerors. Discussion may also occur with vendors who are on the approved vendor list.

The purchasing manager may request best and final offers from:

a. All responsive and responsible offerors when the evaluation committee wants to

verify full understanding of, and conformance to, the solicitation requirements of the RFP;

b. All responsive and responsible offerors who score within 20% of the highest scoring offeror; or

c. All responsive and responsible offerors who have the highest identical scores.

d. All responsive and responsible offerors who have advanced through a multi-stage procurement process as defined in the related procurement document.

6. Selection and Awarding of the Winning Proposal: The evaluation committee shall evaluate the proposals and may require the offerors to give an oral presentation to further understand each of the offerors' proposals. The evaluation of the proposals may be performed in successive stages that eliminate a certain number of offerors from continuing through the evaluation process. Once each stage has concluded and all members of the evaluation committee have scored each proposal according to the processes set forth in the RFP, the individual scoring shall be submitted to the purchasing manager. The purchasing manager will confirm that the highest scoring or ranked offeror is compliant with all the solicitation requirements and submit a recommendation to the mayor that the highest scoring or ranked proposal be awarded the contract. Within three days after the mayor or designee awards the contract, the purchasing manager will post notice of the award on the online procurement service.

7. Public Access to Sealed Proposals: Sealed proposals shall remain confidential and withheld from public disclosure until an award is posted. After the award is posted, all proposals shall be available for public inspection upon a written Governmental Records Access and Management Act (GRAMA) request, except for information or data that the bidder designated as proprietary or confidential or that the city classifies as "protected" under Utah law. All records retention schedules and access shall be consistent with GRAMA.

8. Award and Contract Termination: In the event of a contract termination within the first year of a contract awarded with the highest scored, ranked, or lowest bid offeror, the city may, at its own discretion, contract with the second highest and/or ranked or the second lowest bid offeror to the original request for proposal or bid provided that the same requirements, terms and conditions, and offeror response are applied to the subsequent award and contract.

3-1-10: ADDITIONAL PROCUREMENT PROCESSES:

A. Multiple Stage Procurements: IFB or RFP processes may be completed in multiple stages to determine the qualifications, experience, quality of work, and/or goods that would be provided before a bid cost sheet is submitted as the final stage of the multiple-stage process. A multi-stage process may result in a single or multiple awards. Multi-stage processes may be used regardless of bid value.

B. Requests for a Statement of Qualifications: When the department head determines, based on recommendations from the department staff and the purchasing manager, that a

procurement for services requires a certain level of qualifications, skill, experience, understanding of specific needs, key personnel, availability, or other reasonable criteria, the purchasing manager may request a statement of qualifications from potential bidders or offerors.

C. Approved Vendor List: An approved vendor list may be created from a request for a statement of qualifications. Upon evaluation of the responses from vendors, those vendors meeting the qualification and advancement criteria shall be included on the AVL.

1. Timing for Inclusion on an AVL: The AVL may be an open-ended or closed-ended list as follows:

a. Closed-ended AVL: A closed-ended AVL is a list of vendors approved for a finite period, specified in the SOQ, during which additional vendors may not be added to the AVL. Once the specified period expires, the city may request vendors to submit their statement of qualifications again and, if determined to be qualified, include the qualified vendors on the AVL.

b. Open-ended AVL: An open-ended AVL is a list of vendors approved for a finite period to which additional vendors may be added through the remaining term of the list. The interval period(s) stated in the SOQ generally ranges from six months to 18months.

2. AVL Procurement Methods: The AVL may be used as one or more of the following methods, regardless of the estimated total cost of the good or service:

a. A rotation system, organized alphabetically, numerically, or randomly;

b. Assignment of vendors to a specified geographic area;

c. Assignment of vendors based on vendors' particular expertise or field; or

d. Another method approved by the purchasing manager.

D. Request for Information: The city may request information, comments, or suggestions from potential bidders or offerors before using any competitive solicitation methods. A request for information may be used to gather information including, but not limited to, availability of a procurement item, delivery schedules, industry standards and practices, product specifications, training, new technologies, capabilities of potential providers of a procurement item, and alternate solutions. A request for information may not be used to solicit a firm fixed cost or guaranteed pricing, negotiate fees, make a purchase, or enter into a contract. All information received by potential bidders, offerors, or industry specialists does not bind either party to any commitments to one another and is subject to GRAMA classification.

3-1-11: TIE BIDS

In the event of a tie bid between the two lowest bidders from an Invitation for Bid or Request for Quote process, or a tie with two or more highest scored respondents from a Request for Proposal process, the award shall be given in order as follows:

A. To the vendor whose business office location resides within West Jordan City boundaries;

B. To the closest vendor business office location, measured by the number of road miles it would take to travel from the vendor's closest business office location to the West Jordan City Hall address at 8000 South Redwood Road, West Jordan, UT 84088.

3-1-12: EXCEPTIONS TO COMPETITIVE SOLICITATION REQUIREMENTS:

The procurement of goods and services are exempt from competitive solicitation under the following circumstances:

A. Direct Government Agency Purchases: Goods and services made available for purchase by another governmental agency are not subject to procurement requirements set forth in this chapter.

B. Governmental Agency and Cooperative Purchasing Organization Contract: Procurement may be approved, without additional competition otherwise required in this chapter when the purchasing manager or designee determines that another governmental agency or a cooperative purchasing organization has issued a procurement contract based on competitive solicitation and that the city is authorized to purchase under the same terms of the cooperative contract.

C. Sole Source Procurement: The purchasing manager or designee may approve procurement of goods and services without using a competitive solicitation process if the purchasing manager determines, in writing, that:

1. Only one known source is reasonably available to provide the goods or services being procured; or

2. Only specific parts, equipment, accessories, and/or specialized service, training, geographical area, region, boundary, or other unique characteristics of the goods or services meet the city's needs and there are no comparable goods or services reasonably available.

D. Emergency Procurement:

1. Based upon approval of the mayor or designee, goods and services may be procured to address emergency conditions, public threats, or unforeseen conditions. In such circumstances, priority over and exclusion of customary procurement processes shall be allowed to meet the needs of such conditions and threats.

2. Process. The mayor shall examine the circumstances and determine whether they constitute an emergency condition, a public threat, or an unforeseen condition. If so, the mayor may take any action to address such condition so long as such action is (i) reasonable under the circumstances, (ii) consistent with applicable law, and (iii) accomplished within existing budget constraints. The mayor shall deliver to the city council within 14 calendar days of the purchase or execution of a contract a written determination and explanation of the condition and justification for actions taken under this section. The purchasing manager shall file this written determination in the procurement file relating to purchase or execution of a contract. Only those goods and services to address the conditions identified by the mayor may be procured under this Section.

E. Waiver or Modification: The mayor may waive or modify competitive solicitation requirements when the purchase or execution of a contract is (i) advantageous to the city, (ii) performed in a manner that is fair and equitable, (iii) provides transparency as is practicable under a given circumstance, and (iv) consistent with applicable law. The mayor shall deliver to the city council within 14 calendar days of the purchase or execution of a contract a written determination and explanation of the condition and justification for actions taken under this section. The purchasing manager shall file this written determination in the procurement file relating to the purchase or execution of the contract.

F. Disbursements: Disbursements do not require competitive solicitation.

G. Grant, Gift, Bequest: In complying with the terms and conditions of any grant, gift, or bequest to the city, or to one of the city's departments or subdivisions, committees, or a community organization that functions under city auspices if such action is approved by the mayor.

H. Transitional Costs: Transitional costs are (i) a significant consideration in selecting a procurement item; (ii) the result of a cost-benefit analysis demonstrating that transitional costs are unreasonable or cost-prohibitive and that the award of a contract without engaging in a standard procurement process, as set forth in this chapter, would be in the best interest of the City. The purchasing manager shall file a written cost-benefit analysis determination in the procurement file relating to the purchase or execution of the contract.

3-1-13: DEBARMENT AND SUSPENSION:

A supplier that fails to meet the requirements of any city procurement process or the terms of any contract or engagement with the city is subject to the actions and penalties described herein. The city, in its sole discretion, may take any of the following actions against a supplier:

A. Order an audit, at the sole expense of the supplier to determine the extent of such non-compliance;

B. Terminate the contractor's contract for failure to comply with the terms of the bid, RFP or resulting contract;

C. Immediately award the affected contract to the next lowest responsive and responsible bidder; or

D. Bring legal action against the contractor, on behalf of the city and affected employees, for monetary damages.

E.

1. The penalties that may be imposed if a bidder or contractor to which this section applies violates the requirements of this chapter include:

    a. For a first violation, a twenty-four-month suspension of the bidder from bidding on city projects; and

    b. For a second violation, permanent debarment of the bidder from bidding on

city projects.

2. To avoid suspension or debarment, the bidder must submit a written appeal, accompanied by all evidence the bidder plans to rely upon, to the City's Purchasing Manager within 14 days of receiving notice of suspension or disbarment. The Purchasing Manager shall schedule a hearing to hear the bidder's responses to the allegations. The Purchasing Manager shall issue a written decision to the bidder within 10 days of the hearing. The Chief Administrative Officer may extend this period for good cause.

3-1-14: PURCHASING CARD ISSUANCE AND APPROVALS:

A. Issuance and Limitations of Credit Card (P-Card): P-Cards may be issued to persons under the following conditions:

1. City Mayor, Officers, and Department Heads: The mayor and administrative officers may be issued a P-card upon the mayor's direction. Department heads may be issued a P-Card upon the approval of the mayor or the mayor's designee or a P-Card administrator. The mayor may, with the advice of the administrative services department head and/or a P-Card administrator, set the purchasing limit of the P-Card for him or herself and other administrative officers and department heads.

2. Council Office Director, and Council Staff: The council office director, and other council staff may be issued city P-Cards upon the majority vote of the council. The city council may, with the advice of the finance department head and procurement manager, set the purchasing limit of the P-Cards for the council office director, and other council staff by a majority vote of the council.

3. All Other City Employees: Unless otherwise set forth in this section, all other city employees may be issued a P-Card if such issuance is first approved by their department head and a P-Card administrator. P-card administrator or the administrative services department head shall set the limits of the P-Cards of all other city employees.

B. Credit Card (P-Card) Purchases: Purchasing cards are generally used for single de minimis micro value transactions. Monthly single transaction and monthly card limits may be defined by card user with higher spending limits assigned on a per user basis. P-Cards may be used as a direct payment mechanism for (i) purchases under the informal competitive solicitation limit, (ii) approved purchases over the informal competitive solicitation limit, and/or (iii) when a vendor requires payment with a P-Card. Such purchases may include but are not limited to:

1. Online purchases

2. Purchases from suppliers that the city does not have an account with

3. Seminar/conference registrations

4. Membership fees

5. Suppliers that do not accept PO's

6. Books

7. Footwear

8. Clothing

9. One-time or seldom used vendor purchases

10. Accounts payable functions to include a Virtual Card or Department P-Card

11. Airfare, vehicle rental, and hotel accommodations

C. Abuse of a P-Card: Abuse or misuse of a P-Card, including any failure to comply with the related P-Card agreement, may result in an immediate cancellation of the P-Card, criminal prosecution, and/or termination of employment, if applicable.

3-1-15: CONTRACT ADMINISTRATION:

A. Except for purchase orders, the mayor or designee shall sign all contracts.

B. Exclusivity of Contracts: Exclusive and non-exclusive contracts may be awarded by the city at any time. Unless a contract specifically states it is exclusive, it shall be deemed to be nonexclusive. "Nonexclusive" means that the city may award multiple contracts to more than one contractor(s) for similar goods or services, as it deems appropriate.

C. Period of Time for Contracts:

1. Permitted Contract Duration: Unless otherwise prohibited or unauthorized as stated in this section, contract(s) for goods and services may be entered into for any period of time stated in the bidding documents and is deemed to be in the best interest of the city. Term renewals as stated in the contract, including interlocal contracts, are allowed without additional mayor or city council approval, as applicable, provided that the council has appropriated funds to the department to use for such expense, no additional terms are added to the original contract without prior modification, and current law does not prohibit such renewal.

2. Prohibited Contract Duration: "Open-ended" (starting date only) contracts and "evergreen" (automatically renewed) contracts are prohibited unless authorized by the purchasing manager in writing or otherwise authorized by federal or state law.

D. Contract Amendments: Contracts may be amended, modified, or supplemented only by written amendment, executed by the parties to the contract.

E. Change Orders:

1. For Building Improvements, and Public Infrastructure Projects: A department head is authorized to approve a change order on building improvements and public infrastructure projects in a single amount up to $10,000 or 20%, whichever is greater, or a total aggregate amount (when multiple change orders exist for the same project) not to exceed 20% (“20% Approval Limit”) of the contract so long as (i) there is funding available in the budget, (ii) there is no material change to the

original scope of work, and (iii) the change order is in the best interests of the city according to the department head. Notice of such provision may be included in the IFB or RFP.

2. For Goods and Services Not Listed in 3-1-14(E)(1): A department head is authorized to approve a change order for goods and services in a single amount up to $200 or 10% whichever is greater or a total aggregate amount (when multiple change orders exist for the same good or service) not to exceed 10% ("10% Approval Limit") of the contract whichever is greater so long as:

(a) there is funding available in the budget;

(b) there is no material change the original scope of work; and

(c) the change order is in the best interests of the city according to the department head.

3. Mayor Approval Required: A department head must obtain the mayor's written approval for any change order, which when added to the aggregate amount of all other prior change orders related to the same project, if any, exceeds the $10,000 or 20% Approval Limit or $200 or 10% Approval Limit, as applicable.

F. Bonds and Other Security: Bid, payment and performance bonds or other securities may be requested for contracts as the purchasing manager or designee deems advisable to protect the city's interests. Any such bonding or other security requirements shall be set forth in the solicitation. Bid, and payment and performance bonds shall not be used as a substitute for a determination of a bidder or offeror's responsibility.

3-1-16: CONSTRUCTION PROJECTS:

Municipal construction projects are governed by the appropriate state statutes and may be procured by any method not prohibited by state code.

3-1-17: RIGHT TO INSPECT PLACE OF BUSINESS OF CONTRACTORS AND SUPPLIERS:

The mayor or designee may, at reasonable times, inspect the place of business of a contractor or supplier that is related to the performance of any contract awarded or to be awarded by the city.

3-1-18: PROTESTS AND APPEALS:

A. Protest:

1. Protest Permitted: A protestor may file a protest with the purchasing manager or designee only in accordance with the requirements set forth in this section.

2. Content of Protest: For a protest to be considered by the purchasing manager or designee, the protest must be in writing and contain the following:

a. The protestor's name, mailing address, and daytime telephone number, the signature of the protestor or protestor's attorney, and the date the protest is signed;

b. In sufficient detail to provide adequate review by the purchasing manager or designee (i) a statement of facts, (ii) an explanation of the relief sought, (iii) a recitation of the reasons for and legal authority in support of the protest, and (iv) a statement supporting the protestor's claim of standing.

c. A protest may not be considered unless it contains facts and evidence that, if true, would establish:

(i) a violation of this chapter or other applicable law or rule;

(ii) the procurement unit's failure to follow a provision of a solicitation;

(iii) an error made by an evaluation committee or conducting procurement unit;

(iv) a bias exercised by an evaluation committee or an individual committee member, excluding a bias that is a preference arising during the evaluation process because of how well a solicitation response meets criteria in the solicitation;

(v) a failure to correctly apply or calculate a scoring criterion; or

(vi) that specifications in a solicitation are unduly restrictive or unduly anticompetitive.

d. A protest may not be based on:

(i) the rejection of a solicitation response due to a protestor's failure to attend or participate in a mandatory conference, meeting, or site visit held before the deadline for submitting a solicitation response;

(ii) a vague or unsubstantiated allegation; or

(iii) a person's claim that, despite the city abiding by noticing requirements herein, the person did not receive individual notice or received the notice late.

3. Timing of Protest:

a. Bids: A protest arising from an invitation for bid shall be submitted prior to the closing date for receiving bids unless the protestor did not know and could not reasonably have known of the facts giving rise to the protest prior to such time, but in any event, all such protests shall be submitted within five business days after the award of the bid.

b. Proposals: A protest arising from a request for proposal shall be submitted prior to the closing date for receiving proposals unless the protestor did not know and could not reasonably have known of the facts giving rise to the protest prior to such time, but in any event, all such protests shall be submitted within five business days after the notice of award is posted by the purchasing manager or designee.

c. Quotes, Purchase Orders, Multi-Stage, Approved Vendor List Selection: A protest arising from a request for quotes, purchase order, multi-stage procurement, and approved vendor list selection shall be submitted within five business days after the

protestor knew or should have known of the facts giving rise to the protest, but in any event, all such protests shall be submitted in accordance with the following deadlines:

(i) for quotes, within five business days from the due date;

(ii) for purchase orders that do not result from a competitive solicitation process, within five business days from the date of the purchase order;

(iii) for multi-stage procurements, within five business days from the date the protester was notified that they were not being selected to advance to the next stage or being selected as the winning offeror; and

(iv) for approved vendor list selection, within five business days after the notice of award is posted by the purchasing manager or designee.

d. Calculation of Days: For purposes of this chapter, the following rules shall be followed in calculating business days:

(i) A person shall exclude the business day of the event that triggers the applicable timeline;

(ii) A person shall count every day except intermediate Saturdays, Sundays, and city holidays;

(iii) A person shall include the last business day of the period; and

(iv) A business day shall begin at 8:00 a.m. and close at 5:00 p.m. pursuant to the time indicated in the city recorder's office.

4. Procurement Process During Protest Period: In the event of a timely protest, the city may proceed with the procurement, or the purchasing manager or designee may suspend the procurement process, in their sole discretion, for so long as they determine is appropriate.

5. Purchasing Manager Assistance: The purchasing manager, or designee, may designate another individual(s) to assist in reviewing the protest, which assistance may include finding facts, analyzing the protest, and making recommendations to the purchasing manager, or designee.

6. Discovery of Documents: The purchasing manager or designee may request additional information from the protestor or from other persons to decide the protest. The protestor shall have three business days to provide all information requested by the purchasing manager or designee reasonably needed to decide the protest. The purchasing manager may dismiss the protest if the protestor fails to provide the requested information within three business days.

7. Decision on Protest: The purchasing manager or designee shall review and decide protests and shall issue a written decision to the protestor within 30 business days of receipt of the protest. If the purchasing manager fails to issue a written determination within 30 business days, said failure shall be considered the equivalent of an order denying the protest.

B. Appeal of the Purchasing Manager's Final Decision:

1. Appeal Permitted: The protestor may appeal the written decision of the purchasing manager by filing: (i) an appeal with the city recorder; and (ii) the bond required by this section with the finance department, within five business days from the purchasing manager's written decision on the protest, or if no written decision is provided by the purchasing manager, within 35 business days from the filing of the protest.

2. Content of the Appeal: For an appeal to be considered by the administrative law judge, the appeal must be in writing and contain the following:

a. The appellant's name, mailing address, and daytime telephone number, the signature of the appellant or appellant's attorney, and the date the appeal is signed;

b. In sufficient detail to provide adequate review by the city:

(i) a statement of facts;

(ii) an explanation of the relief sought;

(iii) a recitation of the reasons for and legal authority in support of the appeal;

(iv) a statement supporting the appellant's claim of standing; and

(v) a statement that a final decision has been made by the purchasing manager or that the time to deliver a decision on the appellant's protest by the purchasing manager has expired;

c. An attached copy of:

(i) all documents used as evidence or exhibits in the protest;

(ii) any recording or other record of any proceeding, if applicable; and

(iii) the purchasing manager or designee's written decision of the protest, if any.

3. Bond Required: A protestor who files an appeal under this section will not have it considered unless they also file a security deposit in the amount described herein with the finance department before the expiration of the time to file an appeal. The entire security deposit shall be forfeited and be deposited in the general fund of the city if the administrative law judge makes a finding that (i) the appellant's appeal fails and (ii) the protest or appeal was frivolous or that its primary purpose was to harass or cause a delay.

The amount of the security deposit shall be as follows:

a. $1,000, if the total contract value or purchase order is under $25,000;

b. $2,000, if the total contract value or purchase order is $25,000 or more but less than $50,000;

c. $4,000, if the total contract value or purchase order is $50,000 or more but less than $100,000;

d. $10,000, if the total contract value or purchase order is $100,000 or more but less than $250,000;

e. $20,000, if the total contract value or purchase order is $250,000 or more but less than $500,000;

f. $25,000, if the total contract value or purchase order is $500,000 or more but less than $1,000,000;

g. $50,000, if the total contract value or purchase order is $1,000,000 or more but less than $2,000,000;

h. $95,000, if the total contract value or purchase order is $2,000,000 or more but less than $4,000,000;

i. $180,000, if the total contract value or purchase order is $4,000,000 or more but less than $8,000,000;

j. $320,000, if the total contract value or purchase order is $8,000,000 or more but less than $16,000,000;

k. $600,000, if the total contract value or purchase order is $16,000,000 or more but less than $32,000,000; and

l. $1,100,000, if the total contract value or purchase order is $32,000,000 or more.

4. Scheduling of the Hearing: The administrative law judge shall review and hear the appeal. No later than five business days after receiving a notice of appeal, the administrative law judge shall schedule a hearing on the appeal. Unless otherwise agreed to by the city and appellant, the hearing shall be held no sooner than five business days and not later than 30 business days from the date of the filing of the appeal.

5. Hearing: During the hearing before the administrative law judge, the appellant and the city's representatives shall be allowed to testify, present evidence, and comment on the issues. The administrative law judge may allow other interested persons to testify, comment, or provide evidence on the issues. Notwithstanding any other provisions of the code, the appellant may not present evidence or testimony that was not presented in its protest or present new or additional arguments or grounds in support of its position that were not made in support of its protest.

6. Order: No later than 15 business days after the hearing, the administrative law judge shall issue a signed order either granting or denying the appeal, in whole or in part. If the administrative law judge fails to issue a decision within 30 business days after the hearing, said failure shall be considered the equivalent of an order denying the appeal.

7. Basis of Order: The administrative law judge shall consider and decide the appeal based solely on: (i) the appeal, (ii) the protest record, and (iii) the admissible evidence at the hearing. The administrative law judge may dismiss an appeal if the appeal does not comply with the requirements of this chapter and shall uphold the protest decision unless the protest decision is found to be arbitrary and capricious or clearly erroneous.

8. Content of Order: The order of the administrative law judge shall include:

a. The decision on the appeal, and any reasons for the decision the administrative law judge may wish to provide;

b. A statement that any party to the appeal may appeal the decision to the Utah Court of Appeals; and

c. A determination as to whether the bond should be forfeited to the city pursuant to this chapter.

9. Appeal to the Utah Court of Appeals:

a. If an appellant appeals the dismissal, denial, or adverse decision of an administrative law judge, the appellant must file the appeal to the Utah court of appeals.

b. The Utah Court of Appeals:

(1) shall consider the appeal as an appellate court;

(2) may not hear the matter as a trial de novo; and

(3) may not overturn a finding, dismissal, or decision unless the finding, dismissal, or decision, is arbitrary and capricious or clearly erroneous.

3-1-19: ETHICAL STANDARDS FOR CURRENT AND FORMER CITY OFFICERS AND EMPLOYEES:

By submitting a quote, bid, or proposal, in response to any solicitation request, the bidder, offeror, or contractor represents that they have not: 1) provided an illegal gift or payoff to a city officer or employee or former city officer or employee, or his or her relative or business entity; 2) retained any person to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, other than as exempted in the city conflict of interest ordinance; or 3) knowingly influenced (and hereby promises that it will not knowingly influence) a city officer or employee or former city officer or employee to breach any of the ethical standards set forth in West Jordan city code.

3-1-20: MANAGEMENT, DISPOSAL, AND DONATION OF PERSONAL AND REAL PROPERTY:

A. Management of Property:

1. Personal Property Management: Department heads shall exercise supervision of the receipt, storage, and distribution of all inventories of city personal property within the control of or assigned to their respective departments. All city property located in warehouses and similar storage areas shall be inventoried annually, and accountability for the property shall reside with the respective department heads.

2. Real Property Management: The real property administrator shall exercise supervision of the acquisition, purchase, sale, and disposal of all real property of the city. The real property administrator shall update the mayor annually upon all acquisitions, disposals, and leasing of city-owned real property.

B. Surplus of Personal Property: Department heads shall dispose, sell, or donate property as follows:

1. Internal Surplus Property: Except as otherwise specified below, the department head having control or possession of city property, including any vehicle, that is so used, obsolete, , depreciated, excess or is no longer necessary to current and projected needs as to be determined unfit or undesirable for use or retention by the city may recommend to the mayor that such property be surplused. Upon such notice, and as applicable, the purchasing manager or designee shall send notice to city departments of the availability of items to be surplused. If no department is in need of the property on the list, the mayor may approve in writing the property as surplus, whether in whole or in part, and authorize the disposal, sale, or gift of the property at a public auction in accordance with applicable law.

2. Property No Longer Needed as Evidence: The police chief having control or possession of property, including firearms, no longer needed as evidence shall follow the procedures set forth in Utah Code § 24-3-101, *et seq*., as amended. All dispositions of such property shall be for a public interest use, including the donation of property to public or private charities, and must first be approved by the city council in accordance with Utah state code.

3. Lost, Mislaid, Unclaimed, or Abandoned Property: The police chief having control or possession of property that is lost, abandoned, unclaimed, or mislaid shall follow the procedures set forth in Utah Code § 77-24a-1, *et seq*., as amended. All dispositions of such property shall be for public interest use, including the donation of property to public or private charities, and must first be approved by the city council in accordance with Utah state code.

. Unique, Special, or Limited Use Property: Unless otherwise stated above, a department head having control or possession of property that is unique or special, dangerous to the public, or is limited in its public use shall present a written list to the mayor or designee with a recommendation to dispose, sell, or donate the property to another person or governmental agency to use or dispose of. Examples under this category include, but is not limited to, fire trucks, dangerous weapons, police vehicles, and equipment only specific persons or agencies are trained and licensed to use.

5. Unsold Property: If the surplus item is subjected to sale to the highest bidder at public auction and remains unsold, the mayor may sell, donate to a charitable organization, or to any person for such price as the mayor deems appropriate or may dispose of as the mayor shall direct.

6. Damaged, Unsafe, Unrepairable Property: Upon approval of the Purchasing Manager, the department head may recycle or otherwise dispose of damaged, unsafe, or mechanically unrepairable property that is deemed unsuitable for public use.

7. Minimal Value: Upon approval of the Purchasing Manager, a department head may dispose of an item of minimal value, defined as property that is valued at less than $50 or estimated by the purchasing manager to have a value to be less than $50. If the property is posted for sale for $50 or more and does not sell, it is presumed to be property with minimal value and may be disposed of in accordance with this provision.

C. Surplus of Real Property: The mayor or designee may authorize the sell or donation of real property as follows:

1. Sale or Donation of Real Property that is Not a Significant Parcel: From time to time, the mayor or designee may compile a list of surplus city real property. If a parcel of surplus property is not a “significant parcel”, the mayor may sell it for fair market value using any means that is

reasonable, fair, and advances the best interest of the city.

2. Sale or Donation of Real Property that is a Significant Parcel: From time to time, the mayor or designee may compile a list of significant parcels of real property and shall follow the procedures as set forth below:

a. Public Hearing: The mayor or designee shall schedule and provide reasonable notice of a public hearing that public comment may be received regarding the sale of the significant parcel of real property. The mayor or designee shall conduct the public hearing.

b. Public Hearing Notice: Reasonable notice of the public hearing must be published but not less than 14 days before the public hearing. “Reasonable Notice,” as used herein, means:

(i) publication in a newspaper or newsletter of general circulation within the city;

(ii) posting in public places within the city;

(iii) posting on the city’s website; or

(iv) other means of notification accessed by city residents.

Notice shall contain the date, time, and location of the public hearing.

D. Fund Credited: Monetary proceeds from the sale or other disposition of items pursuant to this section shall be credited to the general fund account.

Ordinance No. 25-20 Amd Title 3 - Chapter 1 City Procurement

Final Audit Report 2025-05-20

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