

EXHIBIT "A"

§ 4.20.060 Bidding requirements for purchase of goods and services, other than for public works projects.

- A. Bidding requirements for the purchase of goods and services, other than for public works projects, is as follows:
1. Except as otherwise provided in this chapter, when the value of any purchase or contract for goods, supplies, equipment or services is more than thirty-five thousand dollars for a single item or bulk purchase of a single item, the purchase shall be by formal bid procedure, competitive proposal procedure, government cooperative pricing, or sole source. In all such cases the purchase of goods or services must be approved by the city council and executed by the city manager.
 2. When the value of any purchase or contract for goods, supplies, equipment or services is more than fifteen thousand dollars and up to thirty-five thousand dollars for a single item or bulk purchase of a single item, the purchase must be by formal bid procedure, competitive proposal procedure, informal bid procedure, government cooperative pricing, or sole source, as determined by the purchasing agent or city manager. In all such cases, a purchase order, written contract and payment requisition must be approved by the city manager.
 3. When the value of any purchase or contract for goods, supplies, equipment or services is more than three thousand five hundred dollars and up to fifteen thousand dollars for a single item or bulk purchase of a single item, the purchase may be by formal bid procedure, competitive proposal procedure, informal bid procedure, government cooperative pricing, or sole source as determined by the purchasing agent. In all such cases, a payment requisition must be approved and executed by the purchasing agent.
 4. When the value of any purchase or contract for goods, supplies, equipment or services is in an amount of up to three thousand five hundred dollars for a single item or bulk purchase of a single item, the purchase may be formal bid procedure, competitive proposal procedure, informal bid procedure, government cooperative pricing, sole source, or no bid as determined by the purchasing agent or designee. In all such cases, a payment requisition must be approved and executed by the purchasing agent or designee.
- B. Notice Inviting Bids. Notices inviting bids shall include a general description of the articles to be purchased, shall state where bid blanks and specifications may be obtained and the time and place for opening of bids. The purchasing agent shall solicit sealed bids from all responsible prospective suppliers whose names are on the bidders' list or who have requested their names to be added thereto, and any other source known to the purchasing agent.
- C. Bidder's Security. When deemed necessary by the purchasing agent, bidder's security may be prescribed in the public notices inviting bids. Bidders shall be entitled to return of bid security; provided that a successful bidder shall forfeit his or her bid security upon refusal or failure to execute the contract within ten days after the notice of award of contract has been mailed, unless the city is responsible for the delay. The city council, city manager, or purchasing agent may, on refusal or failure of the successful bidder to execute the contract, award it to the next lowest responsible bidder. If the city council, city manager or purchasing agent awards the contract to the next lowest bidder, the amount of the lowest bidder's security shall be applied by the city to the difference between the low and the second lowest bid, and the surplus, if any, shall be returned to the lowest bidder.

- D. Performance Bonds. The city council, city manager and purchasing agent shall have authority to require a performance bond before entering a contract in such amount as it shall find reasonably necessary to protect the best interests of the city. If the city council, city manager or purchasing agent requires a performance bond, the form and amount of the bond shall be described in the notice inviting bids.
- E. Bid Opening Procedure. Sealed bids shall be submitted to the purchasing agent and shall be identified as bids on the envelope. Bids shall be opened in public at the time and place stated in the public notices. A tabulation of all bids received shall be open for public inspection during regular business hours for a period of not less than thirty calendar days after the bid opening. No bids shall be accepted after the stated time specified in the notice inviting bids.
- F. Council Approval. In the event of city council approval set forth in subsection (A)(1), the city council shall approve a contract or purchase order for the lowest responsible bidder, or reject all bids.
- G. Tie Bids. If two or more bids received are for the same total amount or unit price, quality and service being equal, the city council, city manager or purchasing agent may accept one of them or accept the lowest bid made by negotiation with the tie bidders at the time of or after the bid opening.

§ 4.20.061 Competitive proposal requirements for purchase of professional services.

This method of procurement is generally used when conditions are not appropriate for the use of sealed bids. Departments may use competitive proposal procedures for qualifications-based procedures of professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. If this method is used, the following requirements apply:

- A. Requests for proposals (RFP) will be publicized. Any response to publicized RFP shall be honored to the maximum extent practical;
- B. Proposals will be solicited from an adequate number of qualified sources;
- C. All evaluation factors will be identified and included along with their relative importance in the RFP.
- D. The evaluation process may include, but is not limited to, review of written proposals, panel interview, and reference checking.
- E. Awards will be made to the responsible firm whose proposal is most advantageous to the city with all factors identified in the RFP considered.

§ 4.20.070 Exceptions to bidding requirement for purchase of goods and services, except public works projects.

Purchases of goods, supplies, equipment and services, except public works projects, shall be by bid procedure pursuant to Section 4.20.060(A) except:

- A. In case of an emergency as determined by the city manager or, in his or her absence, the purchasing agent; provided, that they shall advise the city manager of such emergency purchase as soon as practicable;
- B. When the goods or service can be obtained from only one vendor;
- C. When the city can utilize cooperative governmental purchasing contracts or pricing for a given

item or service which was established by another governmental agency's successful bid award for that general or specific type of item or service, and which had been conducted on a negotiated or competitive basis;

- D. When the city council finds that negotiation shall best serve the city due to the nature of the goods, supplies, equipment or services;
- E. When the proposed purchase involves the acquisition of information technology, hardware, software, computers, telecommunications equipment, cabling, installation, support or similar electronic equipment or product, which requires the expertise of information technology, computer or telecommunications vendors who are highly and technically skilled, the city council, city manager or purchasing agent may acquire the equipment through formal or informal negotiations rather than competitive bidding.