

ORDINANCE No. 10-13

ROLL CALL

VOTING	YES	NO
G. WAYNE ANDERSEN <i>Mayor (votes only in case of tie)</i>		
ROD DART <i>Council member</i>	X	
RICHARD M. DAVIS <i>Council member</i>	X	
BRANDON B. GORDON <i>Council member</i>	X	
STEVE LEIFSON <i>Council member</i>	X	
KEIR A. SCUBES <i>Council member</i>	X	

I MOVE this ordinance be adopted: Council member Dart
I SECOND the foregoing motion: Council member Scoubes

ORDINANCE No. 10-13

AN ORDINANCE AMENDING PROVISIONS OF THE CITY BID AND CHANGE ORDER REQUIREMENTS TO PROVIDE BETTER EFFICIENCIES

WHEREAS, Spanish Fork City has adopted a formal purchasing system in order to comply with state law and provide efficiencies; and

WHEREAS, amendments need to be made from time to time in order to remain in compliance with the law and provide greater efficiencies; and

WHEREAS, the City policy seeks to assure City Council control of the budget, while allowing projects to be bid and awarded in a timely manner to complete the projects and avoid taking administrative details to the Council; and

WHEREAS, allowing bids and change orders to be approved by staff within parameters established by the Council and in conjunction with the approved budget provides more efficiency and takes less time, while keeping projects and budgets within the control of the Council;

NOW THEREFORE, be it ordained and enacted as follows:

I.

Spanish Fork Municipal Code §3.08.060 is hereby amended as follows:

3.08.060 Awarding of Bids and RFPs

A. Bids/Purchases in Relation to Budget

Except as otherwise required by law, building improvement or public works projects and supplies, services, and equipment, no more than the lesser of \$10,000.00 or 10% of the appropriation balance, and within the scope of the project, as budgeted by the City Council, may be accepted and awarded by the City Finance Director or designee. Bids which exceed the budgeted amounts by more than the lesser of \$10,000.00 or 10% of the appropriation balance must be approved and awarded by the City Council.

B. Professional Services

Contracts for professional services in an estimated amount no more than the lesser of \$10,000.00 or 10% of the appropriation balance, and within the scope of or related to the project, as budgeted by the City Council, may be accepted and awarded by the City Finance Director or designee. Proposals which exceed the budgeted amounts by more than the lesser of \$10,000.00 or 10% of the appropriation balance must be approved and awarded by the City Council.

A. Rejection of Bids

The City Council or the City Finance Director or his/her designee, or others authorized to accept and award bids may reject any and all bids presented, and may resolicit for bids as set forth in this Chapter. The City may proceed to do any work itself after rejecting all bids, by following the procedures set forth in Utah Code Ann. §11-39-103.

B. Lowest Responsible Bidder

Except as otherwise allowed or required, the City shall award the contract or bid to the lowest responsible bidder.

C. Negotiation of Bids

Where a bid exceeds available funds and time or economic considerations preclude resolicitation of work or purchase of a reduced scope or quantity, the City Finance Director or designee may negotiate an adjustment of the bid price, including changes in the bid requirements, with the lowest responsible bidder, in order to bring the low bid within the amount of available funds.

D. Tie Bids

If two (2) or more of the bids received are for the same total amount or list price, quality and service being equal, the City Finance Director or designee may negotiate with the bidders and obtain the best bid possible and/or give a preference to a local bidder.

E. **Single Bids**

The City Finance Director or his/her designee may require a price or cost analysis if only one bid is received. The bidder may be required to furnish a detailed cost proposal, and the bid award shall be subject to subsequent negotiation.

F. **Bonds**

Before entering a contract, the City shall have authority to require performance, payment, or other bonds in such amounts as deemed necessary to protect the interests of the City. The types and amounts of the bonds to be required shall be described in the notice inviting bids.

I. **Change orders**

Change orders which increase the contract price in an amount of the lesser of \$10,000.00 or 10% of the contract amount may be approved by the City Finance Director or designee, as long as the overall project budget is not exceeded by more than the lesser of \$10,000.00 or 10% of the contract price, and provided further that the sum of all change orders does not increase the contract price by more than the lesser of \$10,000.00 or 10% of the contract amount. Line item change orders may be approved by the City Finance Director or designee as long as the overall project budget is not exceeded by more than the lesser of \$10,000.00 or 10% of the contract price.

II.

This ordinance shall become effective twenty days after passage and publication.

DATED this 16th day of July, 2013.


WAYNE ANDERSEN, Mayor

Attest:


Kent R. Clark, City Recorder

