

# Procurement Policy

Revised November 2023



## Procurement Policy – Revision Table

Version	Chapter	Revision Summary	Effective Date
1.0	1 - 18	New Procurement Policy	10/04/2023
1.1	19	New Self-Performance Policy added	11/01/2023

## Table of Contents

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Chapter 1: Introduction.....	1
1.1 Ethics in Procurement.....	1
Chapter 2: Purchasing Authority and Contract Signature Authority.....	3
Chapter 3: Purchasing Approval Limits .....	4
Chapter 4: Identification and Solicitation of Vendors.....	5
4.1 Formal Solicitation .....	5
Chapter 5: Methods and Procedures for Formal Solicitation and Purchase Orders .....	7
5.1 Requests for Information (RFI).....	9
5.2 Requests for Quotes (RFQ).....	11
5.3 Invitations for Bid (IFB) .....	12
5.4 Requests for Proposals (RFP) .....	14
5.5 Statements of Qualifications (SOQ).....	17
5.6 Purchase Orders.....	19
Chapter 6: Public Notice for Formal Solicitations .....	21
Chapter 7: Distribution & Submission of Formal Solicitations.....	22
Chapter 8: Sole Source Procurement.....	23
Chapter 9: Procurement of Professional, Technical and Expert Services .....	25
Chapter 10: Procurement Involving Grants .....	26
Chapter 11: Contract Forms.....	28
Chapter 12: Contract Modifications and Change Orders.....	30
Chapter 13: Protest of a Contract Award.....	31
Chapter 14: Multi-Year Contracts and Renewals .....	33
Chapter 15: Cooperative and Piggyback Purchasing.....	34
Chapter 16: Fleet .....	36
Chapter 17: Information Technology .....	38
Chapter 18: Disposal of City Property .....	40
Chapter 19: Self-Performance of Construction of Public Improvement Works .....	41
Definitions .....	43

## Chapter 1: Introduction

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The City of Grand Junction Procurement Policy (“Policy” or “Procurement Policy”) has been developed and will be applied according to the City’s core values. Those are:

- **Continuous improvement** – Working together to be the best by challenging the status quo.
- **Collaborative partnerships** – Using all areas of expertise to achieve a common goal.
- **Exceptional customer service** – Fulfilling the needs of everyone in our community through thoughtful interactions.

The Procurement Policy establishes the City’s purchasing and procurement policies and practices considering relevant laws, rules, and regulations while encouraging competition, maximizing purchasing power, and providing fair opportunities and equal treatment. The City is committed to the wise and principled use of public funds. The Policy creates general processes that are thoughtful and transparent.

The Procurement Policy directs City employees in fulfilling their obligations to the public, grantors, vendors, and contractors in the expenditure of funds.

The Policy is a comprehensive yet practical reference for City employees and external parties involved in the City’s solicitation, purchasing, contracting, and procurement processes.

The Procurement Policy establishes policies and procedures representing centralized and decentralized methodologies, reflecting practices and principles widely recognized at regional and national levels. The Policy is subject to regular review and revision to ensure the efficiency and effectiveness of the policies and processes.

### 1.1 Ethics in Procurement

The City is committed to promoting the highest ethical standards in procurement. Those principles, including those stated below, guide transactions, decisions, and activities involving this Policy and the expenditure of City funds:

1. **Integrity and Transparency:** Purchasing activities should be conducted openly, with the objective of fair competition, ensuring the impartial treatment of those involved.
2. **Conflict of Interest:** Employees involved in procurement will avoid any conflict of interest, perceived or actual, including personal or financial relationship(s) that might affect, or appear to affect, their impartiality.

3. **Confidentiality:** Confidential information obtained during procurement activities will be respected and protected as provided by law.
4. **Accountability and Responsibility:** Procurement employees will prudently use City resources and be accountable for their actions and decisions, demonstrating responsible stewardship of funds.
5. **Respect for Vendors:** Vendors should have equal access to information and opportunities and be treated in good faith.
6. **Compliance with Laws and Regulations:** Procurement activities will comply with applicable local, state, and federal law(s) and applicable regulation(s). The Purchasing Division will provide Purchasing Manual training, and procurement guidance, to employees.
7. **Promotion of Competitive Procurement:** The City will put forward competitive solicitations, as set forth in the Procurement Policy, to ensure it receives the best value.
8. **Zero Tolerance for Corruption:** The City maintains a zero-tolerance rule toward corruption, including fraud, bribery, and collusion. Any questionable activities should be reported to the Purchasing Division or the City Attorney's office, investigated, and dealt with promptly and thoroughly.

The City strives to establish trust, fairness, and efficiency through its procurement practices. By adhering to the Procurement Policy, the public interest will be protected and advanced, public funds will be used responsibly, and the City will maintain its long-standing reputation of integrity and accountability.

## Chapter 2: Purchasing Authority and Contract Signature Authority

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**City Council and the City Manager:** The City Manager, as appointed by the City Council in accordance with the City Charter, oversees the City departments, and sets the rules and policies for procuring commodities and services applicable to the departments. Any improper practice(s) or deviation(s) may lead to disciplinary action(s).

**Department Directors:** In accordance with the Policy the City Manager delegates purchasing approval to Department Directors based on the dollar amount. A Department Director may delegate to employees who have purchasing responsibilities. The Department Director shall ensure that employees understand and fully and faithfully apply the Procurement Policy. Department Directors and employees are responsible for understanding and complying with the Procurement Policy. Any improper practice(s) or deviation(s) may lead to disciplinary action(s).

**Purchasing Division:** The Purchasing Division is responsible for:

1. Protecting the Procurement Policy.
2. Procuring and contracting commodities, services, and construction as provided in the Policy and otherwise provided by law.
3. Providing guidance and training to Department Directors and employees on the Procurement Policy.
4. Monitoring compliance with the Procurement Policy.
5. Investigating allegations of improper procurement practices.

### Contract Signature Authorization

Only the City Manager (or his/her designated representative), and the Purchasing Manager (or his/her designated representative), Contract Administrator, and Buyers are authorized to sign contracts which bind the City for the procurement of goods, services, insurance or construction, unless a specific delegation or exemption is made by City Council by resolution, code, regulation or letter of authority to another official or employee.

## Chapter 3: Purchasing Approval Limits

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Purchasing approval limits by position are detailed in Table 1.

Table 1: Purchasing Approval Limits

Dollar Amount	Type of Purchase	Approval
\$15,000 to 49,999	Formal Quotes by Purchasing Division	Department Director
\$50,000 to 199,999	Formal Solicitations	City Manager
\$200,000 and over	Non-Fleet Solicitations	City Council
\$500,000 and over	Fleet Purchases	City Council
\$25,000 to 49,999	Sole Source	City Manager
\$50,000 and over	Sole Source	City Council

**Notes:** This table applies to commodities or services with current-year budget appropriations. The unbudgeted expenditures are prohibited except in an emergency or by the City Manager's written directive. Notwithstanding Table 1, the City Council approves awards over **\$50,000** if:

1. There is a request for a sole source of over **\$50,000**; and/or,
2. Specific appropriation(s) do not exist for commodities or services.

## Chapter 4: Identification and Solicitation of Vendors

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The City recognizes that a formal solicitation may only sometimes be the most efficient or effective purchase method. As a result, certain exceptions to the formal solicitation process may be utilized depending on the nature and cost of the purchase. If a vendor is selected using an exception, the Purchasing Division will assist the department in documenting the exception.

### Vendor Contact Before Formal Solicitations

It is acceptable and beneficial to gather information to make informed decisions. Research may include product demonstrations, discussions, or meetings to understand the marketplace and available solutions better; however, it is essential to maintain fairness and transparency during such interactions. The following guidelines should be followed:

1. **No commitment.** Any interactions are solely to gather information and do not indicate any special treatment or obligation for future purchases.
2. **Equal opportunity.** The department should offer the same opportunities to ensure that no single vendor has an unfair advantage.
3. **No conflict of interest.** City employees must maintain impartiality and avoid any situation(s) that could create, or appear to create, a conflict of interest. They must not accept gifts, gratuities, or anything of value.
4. **Documentation.** City employees must keep detailed records of all interactions during this research phase to maintain transparency.

### 4.1 Formal Solicitation

Formal solicitations are competitive processes and require the following:

1. Authorization: Departments must work with the Purchasing Division to initiate formal solicitations when the amount is covered by an approved or planned budget.
2. Initiation of a Formal Solicitation. The department initiates a formal solicitation by preparing Specifications and/or a written Scope of Work, which minimally will include:
  - a. The description of the goods or services to be procured.
  - b. The quantity and quality of the goods or services to be procured.
  - c. The delivery or performance schedule.
  - d. The method of procurement.
  - e. The criteria for the award.



3. Solicitation. After the Specifications and/or the Scope of Work have been written, the Purchasing Division, in collaboration with the department, will identify the appropriate solicitation method and plans, schedules, and procurement procedure.
4. Legal Review. The City Attorney's Office will review and approve the procurement and contract forms. Only the Purchasing Division or the City Attorney's Office may modify the solicitation documents terms.
5. Contract Award. When a qualified, responsive, and responsible proposer is selected, and if negotiations are required, the Purchasing Division and the department will negotiate a final contract, obtain all required approvals, and execute a contract. If the department and the Purchasing Division disagree about an award recommendation, they will meet to review the reason(s) for the disagreement. If they cannot resolve the dispute, the City Manager will review and decide.
6. Centralized Documentation and Contract Management: The Purchasing Division maintains a complete contract file and all required documentation on formal solicitations.

## Chapter 5: Methods and Procedures for Formal Solicitation and Purchase Orders

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The City may use Requests for Quotes (RFQ), Requests for Information (RFI), Invitations for Bids (IFB), Requests for Proposals (RFP), and Statements of Qualifications (SOQ) for formal solicitations. The method and procedure shall be determined at the City's sole and absolute discretion as provided in this Policy and determined to be in the City's best interest.

### Initial Steps

The type of solicitation may depend on the nature of the procured commodities, work, or services, the project's complexity, or purpose, and the evaluation criteria/evaluation method. The following steps will be used in determining the form of solicitation:

1. **Consult with the Purchasing Division:** Consult with the City's Purchasing Division to ensure the solicitation method is appropriate, legal, and in line with the City's procurement policies and procedures.
2. **Define the Need:** Define the intended purpose of the procurement and specify the commodities, work, or services and the procurement goals. This is essential to choosing the most appropriate solicitation method.
3. **Assess Complexity:** Assess the commodities, work, or services needed. The complexity, technical specifications, level of customization, or the number of variables will be considered when choosing the solicitation method.
4. **Determine the Importance of Price v. Qualifications:** Decide on the relative importance of price versus qualifications or other non-price factors. If price is the primary consideration and the requirements can be clearly defined, an IFB or RFQ may be the most appropriate method. If qualifications, innovative solutions, or other non-price factors are more critical, an RFP or SOQ may be more suitable.
5. **Consider the Market:** The market conditions and the number of potential vendors, the competitiveness of the market, and the availability of the commodities, work, or services can all impact the choice of solicitation method.
6. **Review Legal or Regulatory Requirements:** The Purchasing Division, in conjunction with the City Attorney's Office, will ensure the consideration of any relevant legal or regulatory requirements.

## **Develop Scope of Work**

When developing a Scope of Work (SOW) or Scope of Services (SOS), the Purchasing Division will work closely with the project manager to ensure that the needs and expectations of the project are clear and sufficiently detailed to reduce ambiguities.

The SOW is critical to forming and enforcing any contract and must clearly describe the commodity, service(s), and work. The SOW serves as a roadmap for the project, defining the deliverables, timelines, quality standards, and key tasks. A detailed SOW is necessary to ensure clear understanding and expectations between all parties involved.

## **Components of a Scope of Work**

1. **Project Description:** An explanation of the project's purpose and objectives. The project description provides essential context for making and enforcing the purchase and contract terms.
2. **Deliverables:** A detailed list of all items, work, or services to be delivered by the vendor and specifies the acceptance criteria for each deliverable.
3. **Tasks:** Tasks include a breakdown of specific tasks or activities to be performed by the vendor. Each task should be clearly described and associated with a particular deliverable.
4. **Timelines:** A schedule that outlines when tasks or deliverables will be completed, including any milestones or deadlines as required by the City.
5. **Performance or Quality Standards:** The performance standards or benchmarks to measure the quality of the work or the commodities procured must include any specific regulatory or industry standards to be provided by the vendor.
6. **Payment Schedule:** The payment schedule defines the compensation to be paid to the vendor for completing tasks, deliverables, or other mutually agreed metrics, together with deadlines agreed upon between the City and the vendor or service provider.
7. **Project Management:** Details of how the project will be managed, including reporting requirements, schedules, and roles and responsibilities of the parties.

## **Specifications**

When seeking responses from potential vendors, it is essential to have detailed descriptions of the physical or functional characteristics of the product, service, or system. These descriptions, known as Specifications, serve as a basis for evaluating responses against the standard specifications provided by the City.

In developing specifications, the Purchasing Division will collaborate with the project manager to ensure the accuracy and completeness of all requirements and expectations. To reduce misunderstandings or disputes, the specifications should be clear and detailed.

Key elements of specifications include:

1. **Description of Requirements:** A detailed description of what the City is purchasing, whether a physical commodity, construction, or service. This comprehensive description should state the necessary features, dimensions, performance standards, quality levels, and other relevant details.
2. **Quantity:** The amount of the commodities or services needed in terms of number or volume.
3. **Delivery or Performance Schedule:** The date or timeframe within which the commodities or services must be delivered or performed.
4. **Standards and Compliance:** The regulatory or industry standards with which the commodities or services must comply/conform.
5. **Quality Assurance Measures:** The procedures and checks to ensure that the commodities or services meet the specified requirements.

The City is committed to creating comprehensive and fair specifications to ensure the best value, successful Procurement outcomes, and positive relationships with vendors.

### **5.1 Requests for Information (RFI)**

A Request for Information (RFI) is the Purchasing Division's standard process to gather written information about vendor capabilities. The response to an RFI can help the City shape its procurement strategy and improve the efficiency and effectiveness of procurement processes.

#### **Typical Uses for RFIs**

RFIs are typically used early in the purchasing cycle to:

1. Obtain general vendor or product information.
2. Narrow down a list of potential vendors.
3. Gather information to prepare a more detailed Request for Quotes (RFQ), Invitation for Bids (IFB), Request for Proposals (RFP), or Statement of Work (SOW).

## **RFI Process**

In general, the RFI process is as follows:

RFI Initiation: The Purchasing Division, in collaboration with the department, identifies the need for an RFI based on the following factors:

1. The complexity of the procurement;
2. The unfamiliarity of the market;
3. The need to clarify potential solutions or providers.

RFI Preparation: The Purchasing Division and the department will prepare an RFI document detailing vendor information sought/requested. The RFI may include:

1. A description of the product, service, or solution;
2. Specific questions regarding capabilities, solutions, or approaches;
3. Other inquiries that may be beneficial.

Public Notice: The Purchasing Division will notice the issuance of an RFI. This notice will include the following information:

1. The purpose of the RFI;
2. The deadline for submitting responses;
3. The method for submitting responses.

Responses Review: The Purchasing Division, in collaboration with the department, will review RFI responses. The review will focus on the following factors:

1. The completeness and accuracy of the responses;
2. The relevance of the information provided;
3. The vendor's capabilities and experience, if required.

Pricing Information: The department may include budget cost information when requesting information from potential vendors. This information is not binding and is only intended to help vendors understand the City's needs.

No Commitment: Responding to an RFI does not guarantee future consideration for solicitations. Understanding that an RFI does not imply a commitment to issue a formal solicitation or contract is essential.

The Purchasing Division reserves the right to amend or withdraw an RFI at any time.

## 5.2 Requests for Quotes (RFQ)

A Request for Quotes (RFQ) document is the method the Purchasing Division uses to solicit vendor quotes to procure commodities, work, or services that exceed the department's purchasing authority.

### RFQ Process

In general, the RFQ process is as follows:

RFQ Initiation: The Purchasing Division, in collaboration with the department, identifies the need for an RFQ.

- The RFQ is typically used for smaller orders under a certain dollar threshold.
- The RFQ may also be used when the department needs a pre-established relationship with a vendor that can meet the City's needs.

RFQ Preparation: The Purchasing Division and the department will prepare an RFQ document that includes the following information:

1. A description of the commodities, work, or services being procured;
2. The technical requirements for the commodities, work, or services;
3. The evaluation criteria that will be used to select the vendor;
4. The deadline for submitting quotes;
5. The method for submitting quotes.

Public Notice: The Purchasing Division will issue the public notice, if required, of the RFQ. This notice will be published in a local newspaper and on the City's website.

Quote Submission: Vendors must submit their quotes to the Purchasing Division by the deadline. Quotes must be submitted in writing, in the response type requested (e.g. e-mail) and include all the information requested in the RFQ.

Evaluation: The Purchasing Division will evaluate all quotes based on the evaluation criteria. The evaluation will focus on the following factors:

1. The completeness and accuracy of the quotes;
2. The responsiveness of the quotes to the RFQ requirements;
3. The vendor's experience and expertise;
4. The vendor's price.

Quote Award and Contract Formation: The Purchasing Division will award the contract to the vendor that submits the most responsive and competitive quote. The contract will be issued by the terms and conditions outlined in the RFQ.

Clarification and Negotiation: The Purchasing Division may seek vendor clarification regarding any aspect of their quotes. If only a single quote is received, the Purchasing Division may negotiate terms, conditions, and pricing with vendor.

Quote Rejection: The Purchasing Division may reject any quote for reasons including, but not limited to: non-compliance with the RFQ requirements, incomplete or conditional quotes, unsatisfactory past performance by a vendor, or the cancelation of the RFQ.

### **5.3 Invitations for Bid (IFB)**

An Invitation for Bid (IFB) is a document the Purchasing Division uses to solicit vendor bids to procure standardized commodities, work, or services. The IFB process is typically used when the procurement is for commodities, work, or services that are:

1. Can range from simple to complex;
2. Well-defined and understood;
3. Not subject to many variations;
4. Price-sensitive.

The IFB process is also used when the City wants to ensure the procurement is conducted fairly and transparently.

#### **IFB Process**

In general, the IFB process is as follows:

IFB Development: The Purchasing Division and the department work together to develop the IFB document. The IFB document includes the following information:

1. A description of the commodities, work, or services being procured;
2. The technical requirements for the commodities, work, or services (including Scope of Work, if required);
3. The evaluation criteria that will be used to select the vendor;
4. The deadline for submitting bids;
5. The method for submitting bids.

Public Notice and Distribution: The Purchasing Division publishes a public notice of the IFB. The public notice includes the following information:

1. The title and number of the IFB, name of the goods or services being procured;
2. The deadline for submitting bids;
3. The method for submitting bids;
4. The contact information for the Purchasing Division.

Pre-Bid or Site Visit Meeting: The Purchasing Division may hold a pre-bid or site visit meeting to allow potential bidders to ask questions, and get clarification on the IFB document in the form of a written Addendum.

Addenda and Communication: The Purchasing Division will issue an addendum/addenda to address any necessary changes, corrections, or clarifications to the IFB. Only the Purchasing Division will communicate with vendors.

Bid Submission: Interested bidders must submit bids by the IFB requirements. Typically, the IFB will require pricing information, compliance with specifications, delivery schedules, warranties, and other relevant details. Bidders must submit their bids in the method required by the IFB to the Purchasing Division by the deadline.

Bid Opening: The Purchasing Division opens the sealed bids in a public meeting (this may take place in a virtual setting). The bids are recorded, and the apparent lowest responsive and responsible bidder is identified.

Bid Evaluation: The Purchasing Division evaluates the bids based on the criteria stated in the IFB. The evaluation criteria may include price, compliance with specifications, experience, past performance, quality, and other relevant considerations, including pre-qualification, if required.

Award: The Purchasing Division awards the contract to the lowest responsive and responsible bidder.

Negotiation: Should only a single bidder submit a response to an IFB, the City may openly negotiate with the bidder as necessary.

Contract Execution: The Purchasing Division contracts with the successful bidder. The contract includes the terms, conditions, deliverables, timelines, and other relevant aspects of the purchase.



## IFB Documents

The IFB document must be clear, concise, and easy to understand. It must also be complete and accurate and comply with all applicable laws and regulations. The IFB document should include the following information:

1. A project definition and planning section that clearly defines the project's scope, objectives, and requirements;
2. An IFB document structure and content section that describes the format and content of the IFB document;
3. A legal and policy compliance section ensures that the IFB document complies with all applicable laws and regulations;
4. A stakeholder involvement and review section ensures that all relevant stakeholders review the IFB document;
5. A vendor communication section that describes how vendors can communicate with the Purchasing Division during the bidding process;

## 5.4 Requests for Proposals (RFP)

A Request for Proposal (RFP) is a document used by the Purchasing Division to solicit proposals from vendors for the procurement of commodities, work, or services that are complex, customized, innovative, or require a long-term relationship with the vendor. The RFP process is typically used when the City wants to ensure that the best possible vendor is selected for the project.

### RFP Process

In general, the RFP process is as follows:

Initiate the RFP: The Purchasing Division will work with the department to initiate the RFP process. The department will identify the project manager and the relevant stakeholders, and the Purchasing Division will collaborate to gather the information necessary for the RFP.

Understand the Project Requirements: After initiation, the first step in the RFP process is understanding the requirements. This includes understanding the scope of work, the deliverables, the timeline, and the budget. The Purchasing Division will work with the department to gather this information.

Determine the RFP Structure: Once the project requirements are understood, the Purchasing Division will determine the structure and format of the RFP. The RFP should be clear, concise, comprehensive, and written in plain language that is easy to understand. The RFP should also be consistent with the City's procurement policies and procedures.

Define Evaluation Criteria: The next step is to define the evaluation criteria used to assess proposals. The evaluation criteria should be clear, concise, measurable, and weighted to reflect each factor's importance.

Draft the RFP Document: The project manager and the Purchasing Division will draft the RFP document. The RFP document should include the following sections:

1. **Introduction:** This section overviews the project and the RFP process.
2. **Project Overview:** This section provides a detailed project description, including the scope of work, deliverables, and timeline.
3. **Administrative Information:** This section includes information about the RFP process, such as the deadline for submitting proposals, the method for submitting proposals, and the contact information for the Purchasing Division.
4. **Evaluation Criteria:** This section describes the criteria used to evaluate proposals, such as technical expertise, experience, qualifications, price, and compliance.
5. **Contract Terms:** This section outlines the terms and conditions of the contract, such as the price, the delivery schedule, and the warranty.
6. **Submission Requirements:** This section describes the requirements for submitting proposals, such as the format of the proposal and the information that must be included.
7. **Other Relevant, Project-Specific Conditions, Terms, and Requirements:** This section may include additional information specific to the project, such as security requirements or environmental regulations.

Stakeholder Input and Review: The department and the Purchasing Division will seek input and feedback from relevant stakeholders, departments, or subject matter experts. They will incorporate their insights to ensure the RFP document accurately reflects the project's needs and requirements.

Publish and Advertise the RFP: The Purchasing Division publishes and advertises the RFP to potential offerors using appropriate platforms, such as the City's website, the local newspaper, BidNetDirect.com, or other channels.

Address Vendor Inquiries: The Purchasing Division will establish a mechanism for promptly addressing inquiries, providing clarifications, responding to all vendor inquiries reasonably and consistently, and ensuring equal access to information.

Addenda and Communication: The Purchasing Division will issue an addendum/addenda to address any necessary changes, corrections, or clarifications to the RFP. Only the Purchasing Division will communicate with vendors.

Recordkeeping and Documentation: The Purchasing Division will maintain accurate records of the RFP creation process, including:

1. The RFP documents
2. All approvals of the RFP
3. All stakeholder feedback on the RFP
4. All addenda to the RFP
5. Any other relevant documentation

This documentation will be maintained to help ensure transparency and facilitate any required auditing or review processes.

Evaluation and Vendor Selection: The Purchasing Division and the department will evaluate the proposals received in response to the RFP and select a vendor that meets the project's requirements and is the best value for the City. The evaluation criteria will be based on the factors outlined in the RFP, such as technical expertise, experience, qualifications, price, schedule, and compliance.

The Purchasing Division will use a scoring system to evaluate the proposals. This will be used to determine which vendor(s) move forward into the next phase(s) of the process, or to determine the winning vendor.

Contract Negotiation and Execution: The Purchasing Division, in consultation with the department, and if needed the City Attorney, will initiate contract negotiations with the selected vendor to finalize the terms, conditions, and deliverables. The City and the vendor will sign the contract, which will be by applicable laws, rules, and regulations.

The Purchasing Division will draft the contract. The City Attorney will review the contract and provide any necessary legal advice.

### **RFP Selection by Committee**

The City will use a committee to select vendors for RFPs. The committee will comprise of City employees from various departments with expertise relevant to the goods and services being procured, potential stake holders (if applicable), other government/quasi-government employees with relevant expertise, and Purchasing Division staff.

The committee will use a scoring rubric to evaluate proposals. The rubric will be developed by the City and described in the RFP. The rubric may include cost, quality of goods or services, vendor qualifications, and other pertinent factors.

Each committee member will independently review and score each proposal using the scoring rubric. This process is intended to ensure various perspectives and limit the potential for bias.

After the independent review, the committee will meet to discuss the scoring. During those discussions, committee members may explain their scoring, ask questions regarding others' understanding/consideration of the proposal.

If the committee finds significant differences in scores for a given proposal, the committee members will discuss the differences to ensure the understanding of the merits or lack thereof for each proposal.

After all the scores are finalized, the Purchasing Division will calculate the average score for each proposal and rank each from highest to lowest. The proposal(s) with the highest ranking(s) will be selected as the vendor(s) to move forward into the next phase(s) of the process, or to determine the winning vendor.

The Purchasing Division will communicate the scoring results to the proposers for their own proposals. A vendor may request feedback on its proposal upon written request. The Purchasing Division may provide input or decline to do so; any feedback provided will be based on the process for that solicitation and the records of that process.

By communicating about the City's selection process, it is anticipated that vendors will improve the quality and responsiveness of proposals and, in turn, continue to foster fairness and accountability by the City to ensure the best outcome for the City and its citizens.

## **5.5 Statements of Qualifications (SOQ)**

A Statement of Qualifications (SOQ) is a process by which the City may evaluate the qualifications of various firms interested in providing services. An SOQ allows a firm(s) to present its capabilities, skills, and experience related to specific services the City needs, and to gauge potential competition in the marketplace, prior to issuing the solicitation.

### **SOQ Process**

In general, the SOQ process is as follows:

Initiation of SOQ: When specialized services are needed, the department and the Purchasing Division will prepare an SOQ that clearly defines the Scope of Services, the desired qualifications, and other relevant information.

Distribution of SOQ Request: The Purchasing Division will distribute the SOQ request to firms that are or may be interested in responding to the SOQ. The request will be posted on the City's website, advertised in the local newspaper, and on procurement portals as determined by the City at its sole discretion.

Receipt of SOQs: Responses to SOQs must be timely and, in the format, stated in the SOQ solicitation.

Review of SOQs: The Purchasing Division and the project manager will review all responses to SOQs for compliance with the request, giving particular attention to the firm's history, qualifications of key personnel, past projects, references, and unique capabilities of the firm(s).

Shortlisting of Firms: The Purchasing Division and the department will shortlist firms whose SOQs best align with the City's needs in order to determine which firms may be eligible to participate in an upcoming solicitation, or in order to determine which firms may move onto interviews, further evaluation, and potential award, as deemed in the best interest of the City. The shortlisting process will be based on the criteria provided in the SOQ request.

Follow-Up Interviews or Presentations: The Purchasing Division may invite shortlisted firms for interviews, presentations, and further evaluation.

Final Selection and Notification: The selection of a firm will be after careful analysis of the SOQ response(s), interviews/presentations, and the firm's ability to meet the City's needs. The Purchasing Division will notify the selected firm and initiate contract negotiations.

### **Waiver of Minor Irregularities**

The City, by and through the Purchasing Division, reserves the right to waive minor irregularities in submitted proposals, bids, or contract documents, if the irregularities do not confer a competitive advantage, constitute non-compliance with fundamental terms, or irreparably compromise the integrity of the procurement process.

Minor irregularities are mistakes or omissions that do not affect the price, quality, quantity, or delivery schedule of the procured goods or services. Minor irregularities may include, but are not limited to:

1. Clerical errors;
2. Omissions of non-essential information;
3. Slight deviations from the formal solicitation instructions that do not affect the procurement process's completeness, competitiveness, and fairness.

The Purchasing Division has sole discretion to waive minor irregularities and will consider them on a case-by-case basis. All decisions regarding the waiver of minor irregularities will be documented and maintained as part of the procurement record.

### **Appeals**

If a vendor believes his/her/its proposal or bid was unfairly disqualified due to a minor irregularity, he/she/it may appeal the decision to the Purchasing Division. The Purchasing Division will review the decision and make a final determination.

If the vendor is still not satisfied with the decision of the Purchasing Division, he/she/it may appeal the decision to the City Manager. The City Manager will review the decision, make a final determination, and issue a written finding.

## **5.6 Purchase Orders**

A purchase order is a document that states the terms and conditions of a proposed transaction and creates a contractual relationship between a vendor and the City. It describes the quantity and quality of the required goods and includes other information such as shipping terms, delivery dates and location, and prices quoted in the solicitation response. The purchase order shall encumber the applicable appropriations account.

### **When to Use a Purchase Order**

Purchase orders are required for all invoiced purchases of commodities, materials or supplies and services with an expected expenditure of City funds of \$15,000 or more unless previously approved by the Purchasing Manager.

### **Process**

Purchasing Division personnel shall complete all purchase orders in the City's Financial System. The requesting Division shall send a copy to the Vendor.

### **Subsequent Changes or Cancellations**

Whenever a change of any kind on a purchase order is required, the originating department shall forward a Purchase Order Change Request that provides the information to be changed and a justification for Purchase Order Change. Requests shall be directed to Purchasing via e-mail or through the City's Financial System.

### **User Approval**

Purchase orders must be approved for payment in accordance with final approval authority requirements set forth in Chapters 2 and 3.

### **Receiving Procedure**

When the material or service is delivered to the department, the authorized agent of the department, as assigned by the Department Director, shall inventory and inspect the delivery to ensure the material(s) and/or service(s) are as listed on the shipping document and are in acceptable condition. If all materials are received in acceptable condition, the receiving department/division shall submit the invoice for approval to their authorized department/division personnel who then process the invoice for payment. Partial payments shall be processed based on items actually received. Down payment and prepayment is acceptable on a case by case basis as approved by the Purchasing Manager. If materials and/or services received are damaged or defective, they should not be used. If possible, notation should be made upon the receipt in the presence of

the delivery agent. Departments shall notify Purchasing immediately when damaged or defective commodities are received.

**Purchase Order Exemptions or Exceptions**

- Colleges, universities, higher education, school districts
- Annual software renewals
- Title companies and real estate firms
- Utilities
- Other government and quasi-government agreements
- Annual software renewals
- Loan and debt payments

## Chapter 6: Public Notice for Formal Solicitations

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A Public Notice for a solicitation(s) is the official announcement or advertisement published by the City to inform the public of the City's intent to solicit the purchase of goods and services.

Public Notices are intended to attract potential vendor(s). They are posted on the City's website, advertised in the local newspaper, and on procurement portals as determined by the City at its sole discretion.

### Key Components of a Public Notice

1. The solicitation title and number, and/or clear and concise description of the goods and services.
2. Instructions for obtaining greater detail about the solicitation.
3. The date, time, and location for submitting a response to the solicitation.
4. Contact information for questions or clarifications about the solicitation.

The primary purpose of the Public Notice is to provide potential vendors a reasonable opportunity to know of, and respond to, the solicitation, promote competition, and obtain the best value for the City.



## **Chapter 7: Distribution & Submission of Formal Solicitations**

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The City presently uses an online platform (currently BidNet direct, however online platforms are subject to change) to distribute and collect formal solicitations. The City reserves the right to use any other platform or means to provide a Public Notice of solicitations.

### **Methods**

1. The City distributes formal solicitations via BidNet. Vendors' registration and agreement to the BidNet TOS are required to access City solicitations posted there.
2. Each posting on BidNet contains the full solicitation document, including specifications, terms and conditions, submission instructions, and other pertinent information.
3. The Purchasing Division will post solicitations to BidNet concurrently with the release of the Public Notice.
4. The Purchasing Division will post any necessary post-distribution changes or clarifications as an addendum/addenda or other modification(s) to a solicitation on BidNet.
5. The City maintains records of all solicitations distributed through BidNet, including the posting date, a list of vendors who accessed the solicitation, and those who received the changes or clarifications as an addendum/addenda or other modification(s).

### **Submission of Formal Solicitations**

1. Vendors must submit responses to solicitations via BidNet. BidNet provides an efficient, digital, and timestamped process for the vendor and the City.
2. Bid submissions must include all documents required by the solicitation and comply with the solicitation's terms and conditions.
3. Vendors must timely submit solicitations as specified in the Public Notice and solicitation documents. BidNet automatically enforces deadlines and will not accept late submissions.
4. Vendors may amend submissions before the deadline by withdrawing and resubmitting a bid(s) on BidNet. Post-deadline modifications will not be accepted.
5. BidNet maintains a digital time stamp for all submissions. The Bid Net records provide the vendor and the City with a verifiable record in case of a question/dispute about a submission(s).

## Chapter 8: Sole Source Procurement

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A sole source procurement is when the City purchases commodities, work, or non-professional services from a single vendor without conducting a competitive solicitation. This is only allowed when the City can justify that no other vendor can meet its needs.

### Sole Source Approval Criteria

The City may approve a sole source procurement if it meets one or more of the following criteria:

1. Uniqueness: Is unique and unavailable from any other source due to proprietary rights, patents, copyrights, secret processes, or monopoly control.
2. Compatibility: There is a need for compatibility with existing equipment, technologies, or processes, and only a specific product or service can satisfy that need.
3. Urgency: Delay would lead to serious injury, death, or significant financial loss.
4. Expertise: The vendor has unique experience, expertise, or capabilities unavailable elsewhere.
5. Standardization: There is a need to standardize specific equipment or supplies to reduce training, inventory, or maintenance costs, and only one vendor can meet this need.
6. Written demonstration and justification is available which reasonably and practicably establishes that the selection of a sole source vendor is in the best interest of the City.

### Sole Source Procurement Process

A department must submit a written request to the Purchasing Division for sole source procurement. The request must include:

1. A detailed scope of work or specifications for the commodities, work, or non-professional services being procured.
2. A narrative explanation of why no other vendor can meet the City's needs.
3. The department's budget for procurement.

The Purchasing Division will review the request and determine whether it meets the criteria for a sole source procurement. If it does, the Purchasing Division and department will negotiate a contract with the selected vendor.

**Contract Issuance**

After the sole source contract is negotiated, it will be reviewed and approved by the City Attorney's Office and/or appropriate approvers based upon the contract amount.

## Chapter 9: Procurement of Professional, Technical and Expert Services

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**Purpose** The City often requires the expertise and services of private contractors or consultants for complex studies, procedure development, audits, staff training, facility design, and specialized products. This section outlines the policy and procedures for acquiring professional, technical, and expert services. This section pertains to use of the non-competitive selection process, if it is determined by the Purchasing Division and the appropriate approver(s) to be in the City's best interest. If this method is utilized, the department must work with the Purchasing Division to process the request. If the utilization of this method is denied, then the process will follow the procurement method best suited as outlined in Chapter 5 of this policy.

### Authority

- (a) **Under \$50,000:** For services costing less than \$50,000, any department may procure licensed professional(s) or independent consultant(s) without competition. Department Directors are responsible for selection, considering qualifications, experience, references, and cost.
- (b) **\$50,000 up to less than \$200,000:** With City Manager approval, services with a total cost of \$50,000 up to less than \$200,000 may be procured without competition. Department Directors must provide a written justification and recommendation to the City Manager for selection.
- (c) **\$200,000 and over:** Services at or exceeding \$200,000 may be procured without competition with City Council approval. Department Directors must provide City Council with a written justification and recommendation.
- (d) **Legal counsel contracts:** Legal counsel contracts require City Attorney approval or their designated representative.

Please note that this policy aims to maintain transparency and efficiency in the procurement process for professional services. It aligns with best practices and ensures that the City follows a standardized approach for service acquisition.

## Chapter 10: Procurement Involving Grants

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This policy sets the guidelines for procurements funded by federal grants by the Uniform Guidance. The policy applies to all procurements connected with federal grants or awards, including direct and pass-through grants or awards managed by the State of Colorado.

### Policy Guidelines

1. **Competition:** The City will ensure fair and open competition for all procurement operations. This means that the City will not impose unnecessary qualifications or excessive bonding requirements and will not permit uncompetitive pricing practices or conflicts of interest. Departments may only specify brand-name products if alternatives are allowed.
2. **Policy Documentation:** The City will document its procurement policies and processes. This includes describing the requirements of the commodities, work, or services to be procured precisely, listing all conditions bidders must meet, and specifying the factors used to evaluate bids.
3. **Reasonable and Necessary Costs:** The City will reasonably confirm that all costs incurred in procurement operations are appropriate and necessary. City departments should refrain from purchasing duplicative or unnecessary items and consolidate or separate procurements when necessary.
4. **Record Maintenance:** The City will keep records of each procurement. This includes documenting the rationale for the procurement method, contract type, contractor selection or rejection, and the contract price justification.
5. **Conflict of Interest:** City officials, employees, and agents should avoid any actual or perceived conflict of interest while participating in the selection, award, or administration of contracts funded by federal funds. Accepting gratuities, favors, or anything of monetary value from contractors or subcontractors is prohibited.
6. **Contract Administration:** The City will require that contractors abide by the terms, conditions, and specifications of their contracts/purchase orders.
7. **Procurement Methods:** The City will adopt one of these methods: small purchases, formal solicitations, or sole source.
8. **Contractor Selection:** The City will proactively solicit minority businesses, women's businesses, and labor surplus area firms as required by the grant.
9. **Contract Clauses:** The City will incorporate all pertinent provisions listed in Appendix II to Part 200—Contract Provisions for Non-Federal Entity Contracts Under Federal Awards in all contracts.

10. Suspension and Debarment: The City will determine that neither the entity nor the principals it plans to transact with is excluded or disqualified from Federal projects or receipt of Federal funds.
11. Cost and Price Analysis: The City will perform a cost or price analysis for every procurement operation that meets the formal solicitation threshold.
12. Bonding Requirements: For contracts or subcontracts related to construction or facility improvement requiring a solicitation, the City will follow specific minimum bonding requirements unless the federal awarding agency or pass-through entity has accepted the City's bonding policy and requirements and determined that the federal interest is adequately safeguarded.

## Chapter 11: Contract Forms

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When the City purchases commodities, work, or services that exceed the Formal Solicitation Threshold, the contract will be governed by the terms and conditions approved by the City Attorney's Office. Any alterations or additions to the approved contract form must be forwarded to the Purchasing Division for review and action, following the City Attorney's directives.

The City Attorney's Office will establish the binding contract terms and conditions to comply with applicable law and to promote the City's best interests. The City Attorney's Office will also establish the Purchasing Division's authority to modify or waive specific contract terms.

### **Bid Security**

Bid security (a bid bond) guarantees that a bidder will not withdraw its bid. Bid security is typically required for purchases that exceed the Formal Solicitation Threshold.

The Purchasing Division may or may not require bid security for any solicitation at its discretion, not exceeding 5% of the bid response value. A bidder must include the required bid security in the solicitation to ensure the City may not dismiss a bid as non-responsive for non-compliance.

Bids are binding for the duration specified in the solicitation once opened. A bidder may retract its bid only before the deadline for submissions.

Acceptable forms of bid security include:

1. A one-time bid bond issued by a company licensed to issue bonds in Colorado.
2. A bank cashier's check payable to the City of Grand Junction for 5% of the bid response.
3. A bank-certified check payable to the City of Grand Junction for 5% of the bid response.
4. An irrevocable letter of credit in a format acceptable to the City.

### **Bonds for Construction Contracts**

The City may require separate performance, labor and materials, payment, and maintenance bonds for all construction, work, and public improvement contracts exceeding \$50,000. The bonds must be for 100% of the contract price.

Discretionary Bonds: Performance, payments, material, and maintenance bonds may also be required on contracts under \$50,000 if the Purchasing Division, in consultation with the City Attorney, deems the bonds to be in the City's best interest.

Delivery and Satisfaction: The contractor must deliver all required bonds to the Purchasing Division within ten days after receiving the Notice of Award or upon execution of the contract. Failure to do so may result in the contractor's bid or contract being rejected or terminated for default.

Bond Form: The bonds must be submitted in a format approved by the City.

Bond Waiver: The City may waive the requirement for performance, payments, material, and maintenance bonds and accept cash deposited into an escrow account with the City for a specified period if the terms of the surety alternative are acceptable to both contract parties. A cash deposit of 100% of the total contract value to insure against all costs associated with a performance breach may be a satisfactory condition of an alternate surety.

Additional Bonding: If a surety on the contractor's bond(s) becomes revoked during a contract, the City retains the right to require additional and sufficient sureties, which the contractor must furnish within ten calendar days after written notice, at the contractor's expense. The surety bond(s) will cover the entire contract amount, notwithstanding the total contract amount changes.



## Chapter 12: Contract Modifications and Change Orders

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Any modification to a contract resulting in a price change must be processed through the Purchasing Division and include all necessary documentation and approvals.

### Authorization and Approval

1. The Department Director may approve non-formal and/or formal contract amendments or change orders to contracts that raise the price by **less than \$50,000** (pending Items 3 or 4 of this section).
2. The City Manager must approve non-formal and/or formal contract amendments or change orders that increase the cost of the contract by **\$50,000 up to less than \$200,000** (pending Items 3 or 4 of this section).
3. Modifications to formal solicitation contracts that, alone or collectively, including previous changes, increase the initial contract price by **more than 25% but less than 50%** require approval by a committee that comprises the City Manager or his designee, the requesting Department Director, and representatives from the Purchasing Division and the Finance Department.
4. Modifications to formal solicitation contracts that, alone or collectively with previous changes, increase the initial contract price by **more than 50%**, or the total contract price to **over \$200,000** must be approved by the City Council.
5. The Purchasing Division is responsible for contract administration, ensuring fulfillment of performance standards, and managing change orders or amendments.

## Chapter 13: Protest of a Contract Award

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If a Vendor believes that the City failed to adhere to the Policy in evaluating a solicitation, the vendor may protest an award as follows:

### Grounds for Protest

A vendor may protest an Award if:

1. The City has violated its own rules or procedures.
2. The City has violated City, state, or federal law.
3. The City has demonstrably acted arbitrarily or capriciously against the public interest.

### Exclusions

The following are *not* grounds for protest:

1. The vendor disagrees with the terms and conditions of a solicitation or any clarification(s) or amendment(s) unless the vendor credibly alleges that the same violates Policy or applicable law.
2. The vendor's dissatisfaction with an award decision unless the vendor credibly alleges that the Award violates the Policy or applicable law.

### Time Limits for Protest

A vendor must make an Award Protest within **five (5) business days** following the announcement of an Award. The City will not consider an Award Protest that is not timely filed.

### Protest Submission

1. An Award Protest must be submitted in writing and be mailed, e-mailed, or hand-delivered to the City's Purchasing Division.
2. The Award Protest must include the name, address, and contact information of the protesting vendor, the title and reference number of the solicitation, and a detailed statement of the grounds for the protest.
3. All factual and legal documentation must be sufficiently detailed to establish the allegations made in support of the Protest.

The Purchasing Division may dismiss any Protest that excludes required information.

### Stay of Purchasing

Upon receipt of a Protest before an Award, the City may postpone the Award until after the Protest is resolved.

**Protest Review**

Upon receipt of a Protest, the Purchasing Division will, in consultation with the City Attorney, review the Protest to determine whether it is timely and includes all required information. If the Protest is timely and facially sufficient, the Purchasing Division will conduct a further review.

**Decision and Communication**

1. The Purchasing Division will decide on the Protest within **fifteen (15)** business days of receipt.
2. The Purchasing Division will communicate the decision, including the reasons, in writing to the protester.
3. The decision of the Purchasing Division is final and binding.

**Remedies**

If the Purchasing Division determines that a Protest is valid, the City may take any of the following actions:

1. Revise the solicitation.
2. Re-evaluate proposals or bids.
3. Cancel the RFP or IFB.
4. Make another Award decision.

## Chapter 14: Multi-Year Contracts and Renewals

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Multi-year contracts and renewals, can be valuable for the City. Still, they must be carefully managed to deliver value and prevent cost overruns and must explicitly provide that any multi-year contract is subject to annual appropriation of funds as required by Article X, Section 20 of the Colorado Constitution. The following conditions should be met before a multi-year contract or renewal is awarded:

1. **Renegotiation clause:** The contract may include a renegotiation clause that allows either party to request a renegotiation of the contract if there are significant market shifts or changes in the involved parties' needs. This will help ensure that the contract remains fair and equitable for both parties.
2. **Periodic review:** The contract should be annually reviewed to ensure continued value to the City. This review should consider factors such as the current market conditions, and the City's annual budget/annual appropriations.
3. **Transparency:** All cost components in the contract must be precise. A potential warranted price increase should only apply to the base price and not include any add-on fees or charges. This will help ensure that the City knows all the costs associated with the contract.
4. **Renewal Options:** Annual commodity, work, and service contracts may be renewed by the Purchasing Division up to three additional contract periods, based on satisfactory performance of the contractor.

Unforeseen increases may be allowed on a case-by-case basis.

## Chapter 15: Cooperative and Piggyback Purchasing

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Cooperative purchasing is a strategic approach where two or more public entities collaborate to purchase commodities, work, or services with the intent of contracting with the same vendor (although this may not always be the result). This can offer numerous benefits, including:

1. Minimized administrative costs: By pooling resources, public entities can save money on procurement-related expenses such as advertising, bid preparation, and contract administration.
2. Prevention of duplicated efforts: Cooperative purchasing can help to ensure that public entities are not duplicating their efforts by purchasing the same products or services from different vendors. This can save time and money.
3. Access to competitive pricing: Cooperative purchasing can give public entities access to competitive pricing that they might not achieve independently. This is because Group Purchasing Organizations (GPOs) have the buying power to negotiate better deals with vendors.
4. Shared expertise: Cooperative purchasing can help public entities to share expertise and knowledge about procurement. This can lead to more efficient and effective procurement processes.
5. Efficient use of resources: Cooperative purchasing can help public entities to use their resources more efficiently. This is because GPOs can help to consolidate procurement requirements and negotiate better terms and conditions with vendors.

### Participation in Cooperative and Piggyback Purchasing

The Purchasing Division has the authority to participate in, sponsor, or manage cooperative purchasing agreements with one or more public bodies. As described in this chapter, cooperative purchasing is exempt from this policy's competitive bidding and advertising requirements.

The Purchasing Division is also authorized to engage the Colorado Division of Purchasing, subdivisions of the state, other governmental entities, or other established cooperative purchasing groups (e.g. Sourcewell, NAPO, Buyboard, NPPgov, Ominia Partners, Savik, etc.) for purchasing commodities, materials, or equipment, provided the engagement aligns with the City's best interests.

When the Purchasing Division identifies that another jurisdiction or cooperative has a competitive agreement for the same products or services that the City needs, the City may purchase under such agreement(s) (also known as "piggybacking").

### Criteria for Selecting GPOs

The City will use GPOs that adhere to the following principles:

1. Transparency: All processes, decisions, and agreements should be open and transparent, allowing members to understand awards and the calculation of costs.
2. Fair Competition: GPOs allow vendors a fair and equal opportunity to compete for contracts, including providing transparent and non-discriminatory tender documentation and selection criteria.
3. Accountability: Consistent mechanisms for accountability, including regular audits and financial reports and transparent processes for dispute resolution, should be available.
4. Ethical Conduct: The GPO should have clear guidelines prohibiting conspiracy, corruption, or conflict of interest.
5. Value for Money/Delivery Schedule: The primary purpose of a cooperative purchasing consortium is to leverage collective buying power to achieve better value, however, delivery schedule may also be a determining factor for its use.
6. Compliance with Laws and Regulations: The GPO should comply with all relevant local, state, and federal laws and regulations, including purchasing, competition, and data protection.
7. Membership Criteria and Rights: The GPO should have clear criteria for membership and respect all members' rights, including participation in decision-making processes.
8. Management and Governance: The GPO should have effective management and governance structures, clear roles and responsibilities, and mechanisms for oversight and control.

### **Purchasing on Behalf of Other Governmental Entities**

The Purchasing Division may assist in competitive solicitations for other governmental agencies; however, the responsibility to evaluate the responses and make decisions based on their established award criteria lies with the requesting agency.

## Chapter 16: Fleet

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This Chapter implements a proactive, standardized approach to replacing City-owned vehicles and equipment, and assists in providing safe, reliable vehicles and equipment for City employees while minimizing lifecycle costs.

### Replacement Criteria

The Fleet Services Division (FSD) uses an evidence-based approach to determine when fleet vehicles and equipment are due for replacement. The replacement decision considers the following factors:

1. Age;
2. Mileage;
3. Maintenance and repair costs;
4. Fuel efficiency;
5. Environmental impact;
6. Reliability;
7. Safety;
8. Lifecycle analysis.

The FSD conducts an in-depth lifecycle cost analysis for each vehicle and piece of equipment in the City's fleet. This analysis identifies the optimal replacement interval considering the following costs:

1. Acquisition cost;
2. Operating and maintenance costs;
3. Potential for unscheduled repairs;
4. Downtime implications;
5. Expected resale value.

The results of these analyses guide replacement planning and budgeting.

### Budgeting and Funding

Each department will include estimated fleet replacement costs in its annual budget submissions, which the City's Finance Department reviews as part of the overall budget review. The Fleet Replacement Fund is established and maintained to finance the replacement of vehicles and equipment.

### **Vehicle and Equipment Standards**

To ensure operational consistency, manage maintenance costs, and uphold high safety standards, the FSD establishes and maintains vehicle and equipment standards. These standards specify vehicle types and necessary features or equipment for specific functions and roles. The standards also guide the selection of replacement vehicles and equipment.

### **Purchasing Process**

All purchasing activities related to replacing vehicles and equipment must comply with the City's procurement policy. The FSD, Purchasing Division, and the requesting department will collaboratively evaluate and select vendors through a competitive bidding process.

### **Alternative Fuel and Sustainable Vehicles**

The FSD will consider vehicles that use alternative fuels or possess advanced sustainability features as potential replacements. The FSD will include sustainability considerations in the lifecycle cost analysis and balance those considerations against other factors, such as reliability and suitability for the intended use.

### **Disposal**

The FSD will dispose of decommissioned vehicles and equipment according to City and state regulations. The FSD will attempt to maximize resale or trade-in value and consider the environmental impact of disposal methods. The FSD will notify the Finance Department and Procurement Division for capital asset disposal.



## Chapter 17: Information Technology

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This policy applies to all hardware and software acquisitions, usage, and installations, irrespective of price. Information Technology (IT) encompasses computer, network, and data storage systems for creating, processing, storing, securing, and exchanging all electronic data forms.

### Responsibilities

1. The IT Department is responsible for managing IT systems, ensuring their efficient operation, and safeguarding the security of data and networks.
2. City-owned devices are only permitted to have software and hardware that the City has licensed and installed.
3. The IT Department authorizes all hardware and software items, significant upgrades or version changes to software, and items requiring technical support from City departments or infrastructure systems.

### IT Security and Infrastructure

1. Maintaining IT security measures to safeguard sensitive data, protect infrastructure, and mitigate cybersecurity risks is essential.
2. IT security software and infrastructure necessitate discrete, specialized expertise and technical knowledge for effective implementation.
3. The rapidly evolving cybersecurity landscape requires the swift adoption of the latest technologies and security measures.
4. The timely purchasing of IT security solutions is crucial to maintaining the confidentiality and integrity of sensitive data and critical infrastructure.

### Exemption from Solicitation and Procurement Procedures

Due to these factors, an exemption from the solicitation and procurement procedures is established within the Policy to promote efficient and secure purchasing and implementation of IT Security Solutions. IT Security Solutions include but are not limited to:

1. Security software and infrastructure, including firewall systems, intrusion detection and prevention systems, antivirus and anti-malware solutions, data encryption tools, and other relevant security technologies.
2. Annual software licenses and maintenance agreements.

**GASB 96 Reporting**

The IT Department (and the Purchasing Division if needed) will send documentation related to subscription-based information technology arrangements (SBITAs) to the Finance Department to comply with the requirements of GASB 96, Accounting and Financial Reporting for Special Purpose Governments. GASB 96 requires governments to disclose certain information about their procurement activities, including:

1. The total expenditures for goods and services acquired during the reporting period.
2. The types of goods and services acquired.
3. The methods used to procure goods and services.
4. The amounts paid to each vendor.

## Chapter 18: Disposal of City Property

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This chapter establishes the process for the disposal of City-owned commodities and equipment, excluding property seized or acquired by the Police.

### Authority

1. The IT Department can designate computers and computer-related equipment as surplus.
2. The Department Directors can label other property as surplus.
3. The Purchasing Division has the authority to determine the disposition of surplus property.

### Methods of Disposal

In cases where the City cannot sell surplus property to a third party for value, the following methods of disposal may be used in order of priority:

1. Exchange or trade-in: When purchasing new commodities, it is possible to exchange or trade in existing items, partially or entirely, as a form of payment.
2. Transfer to other City departments: Departments should offer surplus City property they no longer need to other City departments. Departments may either transfer surplus property directly to other City departments or send the items to City Stores for distribution to other departments as needed.
3. Donation: A City department may donate surplus property to another governmental or non-profit agency.
4. Transfer to local non-profit: A City department may transfer surplus property to a non-profit entity serving local needs. Entities include any quasi-government or other non-profit agencies applying for City assistance.
5. Public auction: The City may sell any surplus property through a public auction.
6. If after the above methods, surplus property still remains, the City may dispose of remaining surplus property at its discretion.

### Prohibited Dispositions

City employees and their immediate family members are prohibited from purchasing surplus property unless such purchases occur at a public auction.

## Chapter 19: Self-Performance of Construction of Public Improvement Works

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This Chapter establishes and describes the City's self-performance policy for the construction of public improvement works. The policy provides a means for the City to obtain cost-effective and high-quality construction of certain project(s).

To maintain transparency, fairness, and accuracy under this policy, the City:

1. Will annually, with and through the budget adoption, identify and recommend to the City Council opportunities for the City to self-perform certain construction project(s);
2. With the adoption of the annual budget that identifies self-performance project(s) the City Council will be deemed to have conditionally approved self-performance and the City staff may plan for that work to be self-performed; however,
3. Prior to commencement of any project(s) designated in the approved budget for self-performance the City Council at a noticed public hearing must approve the project(s) being self-performed by City forces; however, if a project(s) is(are) not identified in the approved budget as an opportunity for the City to self-perform, the City Council may approve such project(s) so long as it is reviewed/approved by the City Council as otherwise provided in this policy.

Self-Performance of Construction of Public Improvement Works will be a recognized exception to a competitive solicitation process. The City Council will confirm City self-performance of those project(s) identified in the approved annual budget, or such project(s) that may sometimes arise from time to time that are not identified in the budget, when the City Council reasonably finds that the estimated cost of materials and supplies to perform the project(s) identified and recommended to the City Council as an opportunity(ies) for the City to self-perform are reasonable at the time the project(s) is(are) to be constructed and that the following criteria are met:

1. The City forces have a thorough understanding of the task(s) to be completed; and,
2. The City forces have trade-specific experience which will result in an accurate, efficient, dependable schedule(s) and performance of the work; and,
3. That the City forces follow and enforce safety standards, and that their work will perform the work safely and support the City's safety policies and practices; and,
4. The City has adequate labor, they have investigated the material options and determined availability and proper cost of materials and supplies and have considered the market relating to both, and that the City forces have recommended

products and means and method of construction that will provide the best value to the City for each project.

At the conclusion of any self-performed project(s) the City Manager shall report to the City Council the cost of materials and supplies purchased or rented for the project, the duration of the project, the number of hours of direct labor and direct supervision necessary for completion of the project(s) and any safety infraction(s) committed by City personnel.

The City recognizes and agrees that self-performing is not right for every project; however, with the identification of opportunities for self-performance of certain projects in the annual budget or such project(s) that may sometimes arise from time to time that are not identified in the budget, and confirmation of self-performance prior to commencement of the project(s) as provided in this policy, the City is afforded the opportunity for added value and efficiency by self-performance of certain project(s).

Self-performance by the City of some project(s) creates knowledge and experience among the City staff and improves the ability of the Staff to assess contractor's work for those projects that are competitively bid. With that knowledge the City staff is better equipped to hold contractors accountable in terms of staffing, scheduling, estimating, and quality and maximizes the stewardship of public money.

## Definitions

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1. **Alternate Bid (Response):** A bid submitted with a significant variation to a primary provision, specification, term, or condition of the solicitation.
2. **Apparent Low Bidder:** The Apparent Low Bidder is the bidder that submits the lowest bid in response to an IFB or quote. The Apparent Low Bidder is the initial determination based on the bid price alone prior to determining whether the bid is responsive and responsible.
3. **Appropriated Funds:** A specific amount of public funds set aside by the City for a particular purpose.
4. **Award:** The final approval by the City of a bid or proposal from a bidder resulting in the issuance of a purchase order or contract.
5. **Award Protest:** A formal written objection lodged by an unsuccessful bidder regarding the entity's decision to award a contract.
6. **Bid:** A competitive proposal submitted by a vendor in response to an Invitation for Bids (IFB).
7. **Bid Bond:** A third party (the surety) provides a financial guarantee to ensure the bidder refrains from withdrawing their bid, and executes the contract.
8. **Bid Deposit:** A bidder's monetary guarantee ensures that the successful bidder refrains from withdrawing their bid, and will enter a contract.
9. **Bid Opening:** The formal process during which sealed bids are publicly unsealed and recorded.
10. **Bid Protest:** A formal complaint lodged against the procedures or decisions made by a procurement authority during the contract awarding process.
11. **Bidder:** A vendor who submits a bid in response to an Invitation for Bids (IFB) or another type of formal solicitation.
12. **Blanket Order:** An agreement to purchase goods or services from a specific vendor over a period, capped at a maximum total cost.
13. **Blanket Purchase Contract/Agreement.** A procurement method for fulfilling the anticipated recurring needs for supplies or services through the award of competitive line-item contracts or discounts from a supplier/manufacturer, or service provider, usually through competition. BPAs are used to reduce the administrative expenses resulting from small and/or recurring requirements.
14. **Brand Name:** A unique identifier specific to a particular seller or manufacturer used in specifications to describe a product.
15. **Brand Name (or Equivalent):** One or more manufacturer's brand names used in a specification to represent certain quality, performance, and other notable characteristics.

16. **Centralized Purchasing:** A consolidated approach to procurement where an organization's single Purchasing Division manages and conducts all formal procurement.
17. **Change Order:** A formal written modification to the original terms of a contract or purchase order that usually result in a modification of contract price and/or delivery/project schedule.
18. **Collusion:** The secret cooperation between two or more parties to achieve a fraudulent or unlawful end – in violation of antitrust laws.
19. **Commodity:** A marketable item or product to satisfy a need or want.
20. **Construction Manager/General Contractor (CMGC)/Construction Manager at Risk (CMR):** A delivery method where the owner contracts separately with a design firm and a construction manager as a general contractor that works collaboratively to complete the project.
21. **Cooperative Purchasing:** A procurement method where multiple government agencies collaborate to leverage collective buying power, resulting in potential cost savings, standardized terms, and reduced administrative efforts.
22. **Design-Bid-Build:** The traditional project delivery method involves three sequential phases: design, procurement, and construction.
23. **Design-Build:** A project delivery method where one entity—the design-build team—works under a single contract with the project owner to provide design and construction services.
24. **Employee:** An individual who works part-time or full-time under a contract of employment, whether oral or written, express or implied.
25. **Form, Fit, and Function:** The physical and performance characteristics or specifications uniquely identify a component or device and determine its interchangeability in a system or equipment.
26. **Informal Quote/Bid/Proposal:** A competitive bid, price quotation, or proposal for supplies or services conveyed via letter, fax, email, or another manner that does not require a formal sealed bid or proposal, public opening, or other formalities.
27. **Invitation for Bid (IFB):** A procurement method used to solicit competitive sealed bid responses, sometimes called formal bids, when the price is the basis for the award.
28. **Invoice:** A document listing the goods or services provided and the sum due.
29. **Lowest Responsive and Responsible Bidder:** The bidder fully complied with all the bid requirements, whose past performance, reputation, and financial capability are deemed acceptable, and who has offered the most advantageous pricing or cost benefit.
30. **Minor Informality/Irregularity:** A minor non-compliance in a bid that is merely a matter of form, not substance.
31. **Net Price:** After all discounts, rebates, etc., have been allowed.

32. **Non-Budgeted Purchase:** A purchase not included in the original budget.
33. **Non-Responsible (Bid):** A bid response to a solicitation where the bidder does not have the ability or capability to fully perform the solicitation's requirements. A business entity or individual who does not possess the integrity and reliability to assure contractual performance.
34. **Non-Responsive (Bid):** A response to a solicitation that does not conform to the mandatory or essential requirements contained in the solicitation.
35. **Obsolete Supplies/Equipment:** Items that are no longer in use or are unusable due to needing to be updated because of new technology, regulations, or procedures instituted by the entity.
36. **Offeror:** An individual or business that submits an offer in response to a solicitation.
37. **Official Responsibility:** The direct administrative or operating authority to approve, disapprove, or otherwise immediate governmental action.
38. **Non-Professional Service:** Any service not specifically identified as a professional service.
39. **Performance:** The fulfillment of the obligations, duties, and responsibilities specified in a contract or agreement, encompassing the successful delivery of goods, completion of services, and achievement of specified outcomes in a timely, efficient, and satisfactory manner, all according to the standards and conditions outlined in the contract.
40. **Piggyback (Piggyback Cooperatives):** A form of intergovernmental cooperative purchasing in which an entity is given the pricing and terms of a contract entered by another entity.
41. **Professional Services:** Unique services provided by firms or individuals with specialized skills, expertise, or knowledge. These services typically include architectural, engineering, legal, financial, consulting, and other professional services.
42. **Protest:** A written objection by an interested party to a solicitation or award of a contract intended to receive a remedial result.
43. **Proposal.** An offer to provide commodities, work, or services.
44. **Proposer:** An individual or vendor who submits a proposal in response to a Request for Proposals.
45. **Procurement:** A range of activities such as identifying needs, defining specifications, selecting the appropriate procurement method, evaluating, and selecting vendors or contractors, managing contracts, and managing vendor relationships.
46. **Public Notice:** An announcement by an entity concerning a solicitation or other information of public interest.



47. **Purchasing:** The specific act of buying goods, services, or works, often after the Procurement process.
48. **Qualified Bidder:** A bidder determined by the purchasing organization to meet the minimum standards of business competence, reputation, financial ability, and product quality.
49. **Quasi-Government:** Organizations funded by the government but operated independently.
50. **Response:** The formal submission made by a vendor or contractor in response to a procurement solicitation issued by the City. Such solicitations may take the form of a Request for Information (RFI), Request for Proposal (RFP), Request for Quotation (RFQ), Invitation for Bid (IFB), or Statement of Qualifications (SOQ).
51. **Responsible Bidder/Proposer/Offeror:** A vendor capable of fully performing the contract requirements.
52. **Responsive Bid/Proposal/Offer:** A bid, proposal, or offer that fully conforms to the solicitation and its requirements in all material respects.
53. **Simplified Purchase:** Purchases under the threshold required for formal solicitations.
54. **Solicitation:** A formal request to vendors for a proposal, quote, or information.
55. **Small Purchases:** Expenditures below the threshold for formal solicitations.
56. **Surety:** A third-party company that guarantees payment of claims arising when a vendor fails to perform per the contract.
57. **Tabulation of Bids/Responses:** Recording responses to solicitations for comparison, analysis, and record keeping.
58. **Vendor:** A business, company, individual, or entity selling goods, services, or works. Vendors provide the products or services requested in the City's procurement process.
59. **Waiver of Minor Irregularity or Informality:** The disregarding of minor errors or technical non-conformance in the offer that does not confer a competitive advantage or constitutes non-compliance with the fundamental integrity of the procurement process.