

# **ATTACHMENT D**

**MUNICIPAL CODE 2.28.200**

2.28.200 - Public works contracts with an estimated cost in excess of sixty thousand dollars but not more than five hundred thousand dollars; informal bidding procedures.

- (a) Except as otherwise provided in this article, a public works project with an estimated cost which exceeds sixty thousand dollars, but is not more than five hundred thousand dollars including any contingency established for change orders, shall be let to contract by the city using the informal bid procedures set forth in this section.
- (b) The informal bidding procedures are as follows:
  - (1) *Bidder's List.* The city manager may compile and maintain a list of qualified contractors, identified according to categories of work. Minimum criteria for development and maintenance of the contractors' list shall be consistent with administrative rules and regulations established by the city manager.
  - (2) *Notice.* If the city manager compiles and maintains a list of qualified contractors, all contractors on the city's list for the category of work being bid shall be mailed a notice of inviting informal bids (unless the product or service is proprietary). If no list of qualified contractors is maintained, an announcement/advertisement shall be placed in construction trade journals as deemed appropriate by the project engineer or requesting department. The city manager or requesting department may also give such other notice as they deem appropriate (including but not limited to, newspaper publication, posting at city hall or on the city's web site).
  - (3) *Minimum time period.* All mailing of notices to contractors and announcements/advertisements published in the construction trade journals or other appropriate media pursuant to subsection 2.28.200(2) shall be completed not less than ten calendar days before bids are due.
  - (4) *Notice contents.* The notice inviting informal bids shall describe the project in general terms; provide an opportunity to obtain more detailed information about the project; state the time and place for submission of bids; require that the name of the bidder, the project title, and the term "bid" be written or otherwise affixed on the front of the envelope containing the bid; and list the city department/representative authorized to receive the bids. The notice inviting informal bids shall also contain a statement that bids received after the submission deadline, or bids submitted to the improper place or to the improper department/representative shall be returned unopened.
  - (5) *Bid opening procedure.* Bids shall be submitted to the appropriate city department/representative as designated in the notice inviting bids and shall be opened by the department representative (or his/her designee) at the time stated in the notice of inviting

bids. A written record and tabulation shall be made at that time of all bids received, and any bids submitted after the deadline or submitted to a place or city department/representative not specified in the notice inviting bids shall be returned unopened.

- (6) *Determination of best value bidder.* The city department representative (or his/her designee) in consultation with the city engineer/project manager, shall:
  - (A) Make an analysis of the bids for compliance with the general bid terms and the technical bid specifications;
  - (B) Rank the bidders from highest to lowest, based on the factors set forth in section 2.28.040 (the highest ranking bidder shall be the best value bidder); and
  - (C) Forward the ranking and all bids submitted to the city manager with a recommendation for rejection of all bids or award to the best value bidder. The city manager shall make the final recommendation for award to the city council.
- (7) *Award.* With the exception of those public works projects solicited under this under this Section having an actual cost of one-hundred twenty-five thousand dollars or less, which contracts may be awarded or all bids rejected in the discretion of the city manager, the city council has the authority and discretion to award a contract or reject any or all bids on public works projects solicited under the informal bid process set forth in this section.
  - (A) If responsive and responsible bids are received and no decision to reject all bids is made, the city manager or city council, as applicable, shall make award of the contract to the best value bidder, even if such bidder did not submit the lowest monetary bid, provided the award amount is within the unencumbered appropriation for that item.
  - (B) The factors from section 2.28.0,40 of this chapter upon which the award was based shall be set forth in writing. Upon the refusal or failure of the best value bidder to execute the contract, the city manager or the city council, as applicable may award the contract to the next highest ranking best value bidder.
- (8) *Tie bids.* If two or more bids received are for the same total amount or unit price, quality and service being equal, the city manager or the city council, as applicable, may accept the one it chooses by drawing lots.
- (9) *No Bids.* If no bids are received, the project may be let pursuant to section 2.28.190 without further need for compliance with this section.

(Ord. No. 2381, § 2, 9-18-18; Ord. No. 2429, § 12, 5-17-22)