

ATTACHMENT F

Municipal Code 2.28.210

2.28.210 - Public works contracts in excess of five hundred thousand dollars; formal bidding procedures.

- (a) Except as otherwise provided in this article, a public works project with an estimated cost of more than five hundred thousand dollars including any contingency established for change orders, shall be let to contract using the formal bid procedures set forth in this section.
- (b) The formal bidding procedures are as follows:
 - (1) *Publication.* A notice inviting formal bids shall be published at least once in a newspaper(s) of general circulation in the city not less than fourteen calendar days prior to the bid opening. Such formal notice inviting bids shall also be mailed to all construction trade journals, as determined by the project engineer or city manager as appropriate for the area, at least fourteen calendar days prior to the date of opening the bids. The city manager or project engineer may also give such other notice as they deem appropriate.
 - (2) *Notice contents.* The notice of inviting formal bids shall state the time and place for receiving and opening of sealed bids, distinctly describe the project, 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 contain a statement that bids received after the submission deadline (or in the improper place) shall be returned unopened.
 - (3) *Bid opening procedures.* Sealed bids shall be submitted to the place designated in the notice inviting bids and shall be opened by the city clerk's staff in public at the time and place 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 specified in the notice inviting bids (or bids submitted to the improper place) shall be returned unopened.
 - (4) *Determination of best value bidder.* The city manager, 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) Prepare a recommendation to the city council for rejection of all bids or award to the best value bidder.
 - (5) *Award.* The city council has the authority and discretion to award the contract or reject any or all bids on public works projects solicited under the formal 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 council shall make award of the contract to the best value bidder, even if such bidder did not submit the lowest monetary bid, provided that the award amount is within

the unencumbered appropriation for that item.

- (B) The factors from section 2.28.040 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 council may award the contract to the next highest ranking best value bidder.
- (6) *Tie bids.* If two or more bids received are for the same total amount or unit price, quality and service being equal, the city council may accept the one it chooses based upon a straw vote.
- (7) *No bids.* If no bids are received, the project may be let pursuant the informal bid procedures set forth in section 2.28.200, or the city manager may request that the city council authorize procurement using section 2.28.190.

(Ord. No. 2381, § 2, 9-18-18)