

ATTACHMENT C

CITY MUNICIPAL CODE 2.28.100

2.28.100 - Purchases of general services or supplies and equipment with an estimated cost in excess of fifty thousand dollars.

- (a) *Bidding requirement.* The city manager shall solicit bids for supplies and equipment and general services with an estimated cost in excess of fifty thousand dollars per single transaction or term agreement by following the formal bid procedure prescribed in this section.
 - (1) *Notice inviting bids.* The notice inviting bids shall include a general description of the supplies and equipment or general services to be purchased, and shall state where bid forms and specifications may be secured, and the final time and place for submitting bids.
 - (A) *Published notice.* The notice inviting bids shall be published at least one time, ten calendar days before the date of opening of the bids in a newspaper(s) of general circulation, printed and published locally. The city manager may also give such additional notice as he/she deems appropriate.
 - (B) *Bidder's list.* The city manager shall also solicit sealed bids from responsible prospective suppliers whose names are on the city's bidder's list.
 - (2) *Bid opening procedure.* Bidders shall submit sealed bids to the city manager or such department head as may be identified in the notice inviting bids, and shall identify them as bids on the envelope in accordance with the notice inviting bids. Invitations for bids shall require a bid opening at a designated place, date and time when the city clerk, or his or her designee, shall publicly open.
 - (3) *Rejection of bids - City manager authority.* With respect to bids for general services and/or supplies and equipment with a cost of one hundred twenty-five thousand dollars or less, the city manager has the authority and discretion to reject any and all bids presented, and may re-advertise for bids in the event all bids are rejected.
 - (4) *Rejection of bids - City council authority.* With respect to bids for general services and/or supplies and equipment with a cost in excess of one hundred twenty-five thousand dollars or less, the city council has the authority and discretion to reject any and all bids presented, and may re-advertise for bids in the event all bids are rejected.
 - (5) *No bid/no responsive bid.* If no bid, or no responsive bid is received after inviting bids under this section, the city manager may proceed to procure the general services or purchase the supplies and equipment in the open market.
 - (6) *Award of contract.* The city manager shall have the authority to award and execute a contract for purchase of supplies and equipment or general services if the cost thereof is one hundred twenty-five thousand dollars or less. The city council shall have the authority to award and execute a contract for purchase of supplies and equipment or general services with a cost in excess of one hundred twenty-five thousand dollars. If responsive and responsible bids are

received, the city manager or the 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. The factors from section 2.28.040 upon which the award was based shall be set forth in writing.

(b) *Exceptions.* The bidding procedures under this section may be dispensed with:

- (1) In the event the existence of an emergency, as defined in subsection 2.28.050(6), is determined and provided such procurement is made in accordance with the applicable provisions of subsection 2.28.060(f). If the estimated cost of the purchase is less than one hundred twenty-five thousand dollars, the city manager may make the determination that an emergency exists; otherwise the city council must make the determination.
- (2) Where it is determined that such procurement constitutes a sole source purchase. If the estimated cost of the purchase is less than one hundred twenty-five thousand dollars, the city manager may make the sole source purchase determination in writing (using the city's sole-source justification form); otherwise the city council must make the determination. The basis upon which this determination is made shall be prepared by the city manager in writing and presented to the city council for approval using the city's sole-source justification form.
- (3) Where the general services, supplies or equipment are purchased through a cooperative purchasing arrangement pursuant to section 2.28.120; and
- (4) Where supplies and equipment or general services are purchased through competitive or noncompetitive negotiations pursuant to section 2.28.110.

(Ord. No. 2381, § 2, 9-18-18; Ord. No. 2429, § 7, 5-17-22)