



Procurement Regulations

REVISED August, 2019

TITLE III
PROCUREMENT

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CHAPTER 1 PURCHASING POLICY STATEMENT

Two Core Values of the City of Steamboat Springs are “Focus on quality customer service” and “Insist on honesty and integrity as our guiding principles.” This Procurement Manual sets the policies and procedures to accomplish those core values. The Mission of Purchasing/Contracting is to provide quality professional service to our customers and maximize the efficiency and effectiveness of all functions of the organization. Our goal is to ensure fair and open competition and compliance with all laws and regulations to provide the best value to the taxpayers for the goods and services required to run the City. This Manual was originally adopted in October 1997, as Title III of the City Personnel Administrative Regulations Manual (PARM), and policy and manual revisions are approved by the City Manager as needed.

Procurement & Contracting is a division of General Services. This division provides a centralized source for procurement of goods and services, Request For Proposal (RFP), Invitation For Bid (IFB), formal and informal bid and solicitation development, vendor contact, contracting, and general problem solving. We promote the use of Total-Cost procurement, Life Cycle Costing and long-term, ongoing vendor relationships, whenever feasible, to ensure the best services and products are provided for the community. Pricing and costs are important criteria for product and service selection; however, quality, service, professional qualifications, references, past experience, delivery schedule, warranties and guarantees, consistency with existing stock, and inventory are also important factors in selection and contract awards.

The City of Steamboat Springs advocates open and fair competition with vendors, suppliers, and contractors to provide the best goods and services for the City of Steamboat Springs and its citizens. In all employment activities, business transactions, purchases and contracts, the City prohibits discrimination based on race, religion, sex, color, national origin, age, and physical or mental disabilities. This Belief is expressed in the Strategic Plan: “We value diversity in the community and our workforce and believe everyone deserves respect.”

The City of Steamboat Springs often purchases and contracts for goods, services, building construction, transportation, and public works projects using grant funds from state, federal agencies and non-profit foundations. Granting agencies’ procurement and contracting requirements often guide City procurement and contracting policies and procedures. Purchasing is responsible for compliance with grant-funded procurement and contracting regulations.

We welcome public and employee input to help General Services revise our manual, policies and services as appropriate. Thank you for your support and help in continuing to improve the services provided by the City of Steamboat Springs.

Gary Suiter
City Manager

Dated:

Originally adopted: *October 29, 1997*
Revised: *December 28, 2004*
Revised: *July 9, 2008*
Revised: *April, 2010*
Revised: *November 23, 2011*
Revised: *October 21, 2013*
Revised: *December, 2014*
Revised: *February, 2019*

CHAPTER 2 INTRODUCTION

This Procurement Manual establishes a uniform procedure for the procurement of materials, services and equipment and ensures compliance with the local state and federal laws and regulations governing the City's purchases and contracting.

Our current semi-centralized purchasing procedure has many advantages for the City. Similar guidelines in procedures, standardization of commodities and the combination of similar requests can all result in cost savings to the City. A centralized responsibility for purchasing functions relieves department staff of a time-consuming administrative function and ensures consistent and fair treatment for all.

If you understand our procurement procedures, we will be able to better serve you. If at any time you have questions, please do not hesitate to contact the Procurement & Contracting Division of General Services.

2.01 Definitions

The words defined in this section shall have the meanings set forth below whenever they appear in this manual unless:

1. The context in which they are used clearly requires a different meaning.
2. A different definition is prescribed for a particular section or provision. In general, we use the following terms to mean:

Director

Director of General Services

Procurement

Procurement & Contracting Division, a division of General Services

Purchasing

Procurement or the act of purchasing

City Manager

The City Manager of the City of Steamboat Springs or designee(s).

City Council

The Council of the City of Steamboat Springs

Director of Financial Services

Financial Officer for the City of Steamboat Springs

Supplies

Any material, equipment, property, and services of value to be purchased or sold by the City

Vendor

Any firm, individual, corporation, agent or company who may desire to quote on the City's requirements or who wants to purchase items offered for sale by the City.

City
City of Steamboat Springs, State of Colorado.

Charter
Charter of the City of Steamboat Springs

Code
Code of Ordinances of the City of Steamboat Springs

2.02 Purpose

The purpose of this manual is to provide you with a reference for City procurement policies and procedures and how to apply them.

2.03 Goal

In making any purchase, we strive to consider the total cost of the product or service through its life cycle and our customer's (city staff and citizens) usage requirements. We strive toward long-term relationships, where feasible, and toward constant improvement of products and service from our vendors. All available information will be analyzed as part of our decision to continue purchasing from a supplier. Our aim is to minimize the total cost while considering quality, service, maintenance, standardization, and other issues, not just the initial cost.

2.04 Organizational Charts and Authority Tables

1. General Authority and Person Responsible for Organizational Procurement and Purchasing:

Director of General Services

Senior Procurement Agent

Procurement Coordinator

2. Major Types and/or Commodities Involved in Procurement:

- Botanical and Agriculture Equipment and Supplies
- Chemicals
- Clothing and Uniform Purchases:
- Rental, Dry-cleaning and Laundry Services
- Concession and Franchise Agreements
- Construction Improvements, Maintenance, and Supplies:
 - Paving and Concrete, Painting, Plumbing, Excavating, HVAC, Fencing, Lumber, Roofing, Drywall, Electrical, Construction Management, etc.
- Construction Improvements:
 - General Construction, Buildings, Parks and Recreation, etc.
- Contract Administration
- Fire-fighting Equipment
- Janitorial Services and Supplies

- Landscaping
- Law Enforcement Equipment and Supplies
- Motor Vehicles and Related Items
- Office Supplies, Furniture, and Equipment:
 - Copiers, Personal Computers, Software, Printing, Microfilm, etc.
- Professional Services:
 - Engineering, Architecture, and Other Consulting Services
- Radios, Communication Equipment, and Maintenance
- Recreation Supplies and Equipment
- Road and Construction Equipment
- Safety Supplies
- Sand, Gravel and Cement
- Shop Equipment and Related Supplies:
 - Lumber, Welding
- Telecommunication Software and Equipment
- Telephones and Related Items
- Towing Services
- Traffic Control, Signs, and Related Items
- Travel Services
- Vending Machines

2.05 Purchasing Authority and Approval Table

Non-Formal Bid Items

Final Approval

Purchases up to \$2,499

Department designee

Purchase over \$2,500 to \$4,999

Department Head

Purchases over \$5,000 to \$9,999

Finance Director

*Micro-Purchase per 200.320a of the Uniform Guidance – aggregate purchase does not exceed \$10,000 (\$2,000 if subject to Davis Bacon). –To extent practical, must distribute equitably among qualified suppliers. May be awarded without soliciting competitive quotes if the entity considers the price to be reasonable.

Small Purchase = Purchases over \$10,000 to \$50,000

City Manager

*Small Purchases per 200.320b of the Uniform Guidance – simple and informal procurement. Price or rate quotes shall be obtained from three (3) qualified vendors.

Exceptions to Formal Competitive Bid or Proposals (Sole Source) \$50,000 and over*

City Manager

Change Orders for Materials, Maintenance, and Professional Services under \$5,000

Department Head

Emergency Items over \$50,000*

City Manager*

Construction Change Orders for Public Improvements over \$5,000**

City Manager

*Recommendations shall be made by division and department head through Senior Procurement Agent to the City Manager, prior to award. Items over \$10,000 should involve some kind of price comparisons or informal competitive process. Two or more verbal, written or fax quotations should be provided on the Purchase Requisitions to document some kind of price and/or service or quality comparison by the user department. Waiver of the formal bid/proposal process must be approved, in writing, by the City Manager, prior to any purchase or contract award.

Change Orders over \$2,500 require completion of the City's Change Order Approval Form.

** See attached Change Order Form in Appendix

<u>Formal Bid/Proposal-Items (\$50,000 or more)</u>	<u>Final Approval</u>
All Formal and waived IFB/RFPs	City Manager
Only One (1) Bid Received	City Manager
Tie Bid (two or more bids in the same dollar amount)	City Manager

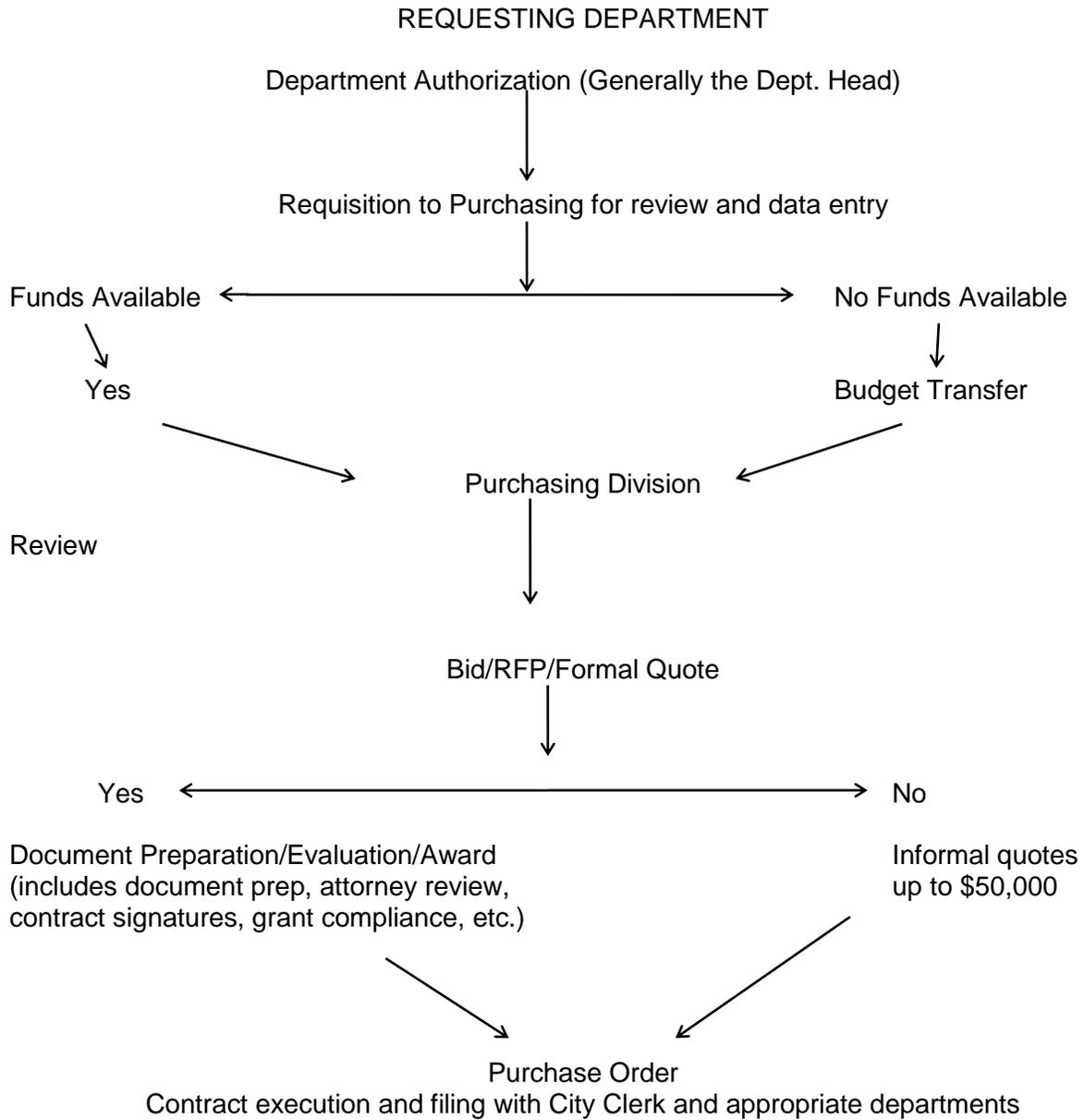
§200.320 Methods of procurement to be followed. The entity must use one of the following methods of procurement:

Sealed Bids: (c) Procurement by sealed bids (formal advertising). Bids are publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price

Competitive Proposals: (d) Procurement by competitive proposals. The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed price or cost- reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids.

Noncompetitive Proposals: (f) Procurement by noncompetitive proposals. Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply: (1) The item is available only from a single source; (2) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation; (3) The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity; or (4) After solicitation of a number of sources, competition is determined inadequate.

2.06 Flow Chart of a Purchase Requisition



CHAPTER 3

POLICIES AND AUTHORITY

This Manual, including the purchasing responsibilities and regulations, has been adopted by the City Manager as part of the City of Steamboat Springs Personnel and Administrative Policies Manual (PARM) on October 27, 1997 and revised as deemed necessary by the City Manager.

Further policies regarding procurement, contracting and franchise agreements are established in the City of Steamboat Springs Home Rule Charter Accepted November 6, 1973 and as officially revised or amended by City Council and Charter Elections. Other regulations may apply in the City of Steamboat Springs Municipal Code.

Certain grant funded purchases and/or contracts may be regulated by the granting agency or foundation. When City regulations are less stringent than state or federal requirements, the state or federal requirements will take precedence. Conversely, when City regulations are more stringent or restrictive, City regulations will take precedence.

Federally funded purchases must follow at a minimum the federal procurement policies. See Uniform Guidance – 200.318 – 200.326.

In the case of conflicting regulations, the City Charter will take precedence and then the City Municipal Code and then this Manual.

Bid and Proposal solicitations will provide specific information relative to the project or purchase scope and specifications, funding, contracting, selection criteria, and contract award evaluation used for each individual solicitation.

CHAPTER 4

GENERAL POLICIES AND PROCEDURES

4.01 Department Responsibilities

Purchasing is willing to provide services for purchasing functions of any amount but the department has authority to solicit informal written quotes between up to \$50,000. Purchasing/contracting **must** be informed and involved for all formal purchases/RFP/contracts over \$50,000. We can provide our best service if departments:

1. Determine the budget amount allocated and approved, the quality and quantity of supplies, materials, services and equipment needed, and the delivery date required.
2. Work with Purchasing in establishing standard specifications for supplies, materials and equipment and/or scope of work for construction and/or professional services.
3. Anticipate the requisition requirements giving accurate description of article(s) required allowing time for purchasing items on a competitive basis.
4. Review and recommend award of competitive bid/proposal results.
5. Receive and inspect item(s) delivered direct by vendor and report any shipments that fail to meet the purchase order contract to Purchasing and the vendor.
6. Handle all emergency purchases and declarations of surplus property in accordance with established procedures. Complete required authorization for

purchases/contracts over \$50,000 that waives the formal and/or competitive process.

7. Give feedback on the performance of the vendor/contractor to Purchasing. A vendor performance form is provided to assist in documenting vendor non-performance; however, a memo is sufficient.

Goods or services over \$10,000 must be requested through Purchasing by a Purchase Requisition or other format. If an exact cost is not known, an estimated cost should be used. Please provide the most realistic delivery date possible and any special instructions, vendor lists, specifications, scope of work, etc.

4.02 Public Records Policy

Purchase orders, invitations to bid, bid tally sheets and other purchasing information of a public nature are available for inspection at Purchasing. This information will only be made public after a bid opening or after a contract award in an RFP process. Some RFP and Bid documents are confidential (i.e. financial statements, litigation records, etc.) Records requests for information identified as confidential by bidders/proposers as approved by the City Attorney will not be considered a Public Record, unless the provisions of the Colorado Open Records Act require otherwise.

4.03 Expediting

Ordinarily, the using department completes expediting. However, Purchasing will expedite an existing order with a Vendor, if necessary, and can also help with any problems arising with a Vendor. A Vendor Evaluation form (Attachment A) is attached for your convenience in reporting vendor performance.

4.04 Receiving and Return of Materials

All goods received should be checked for freight damage, completeness of the order and correctness. If deliveries are made to you, be sure to check the condition of the goods for freight damage prior to acceptance from the freight company. If the shipment is visually damaged, all damage should be noted on the freight bill. If there is no visual damage, and you cannot inspect the delivery immediately, the delivery ticket can be signed but a notation must be made that the shipment is accepted subject to inspection. This protects you and the City and provides time to unpack and properly inspect and count the items. However, the delivery should be inspected as soon as possible to protect the City's legal remedies available relative to damaged goods.

Once the items are accepted, the invoice, when received, may be processed for payment. If, for any reason, goods are returned to the vendor, Purchasing and Accounting should be notified. Please keep adequate records of all transactions. When the corrected order is received, notification should be sent to facilitate payment.

4.05 Sales Representatives and Demonstration of Goods

Purchasing welcomes sales representatives and demonstration of goods. Every effort will be made to accommodate Vendors and presentations and we encourage you to contact our division prior to demonstrations so we may also participate. Demonstrations should be followed up with

a written evaluation forwarded to Purchasing to help us bid any future requirements. Unless specifically requested, we do not like vendor requests for demonstrations during an Invitation For Bid (IFB) or Request For Proposal (RFP) process. Demonstrations will be at the convenience and request of the City. We will try to accommodate unsolicited demonstrations, however, staff time is important and we are often unable to accommodate unsolicited demonstrations because we must maintain service schedules to the public.

CHAPTER 5 PURCHASING AND REQUISITIONING CYCLE

The core of the purchasing system is the Purchase Requisition. Requisitions should be approved by the Department Head (\$2,500 to \$4,999), Finance Director (\$5,000 to \$9,999) and City Manager (\$10,000 and more). Payment Request Forms may be used for statutory or contractual payments; however, most purchases over \$10,000 should use a requisition. A requisition will not generally be used for payments for conferences, travel, utilities, subscription payments, etc. Conferences and travel expenses should be entered on a "Travel Request" form and forwarded to Accounting. Other items for which an invoice is not received or purchases under \$10,000 are paid by forwarding to Accounting a "Payment Request" form.

The general purchasing cycle can be divided into seven basic steps:

	<u>Responsibility of:</u>
1. Need is recognized	Originating Department
2. Requisitioning	Originating Department
3. Pricing	Purchasing Division or Originating Department
4. Ordering	Purchasing Division or Originating Department.
5. Receiving	Purchasing Division or Originating Department
6. Paying	Originating Department and Accounting
7. Disposal of surplus and/or obsolete stock	Originating Department and Purchasing, and Accounting

We rely on you to complete the first two or three steps. Step 4: Purchasing issues a purchase order and returns a scan of the purchase order packet to the originating department to complete the order. Completing the order requires phoning, faxing, emailing and/or mailing the Purchase Order to the vendor. Purchasing is always willing to complete (i.e. email, call, mail, or fax the purchase order) an order at the department's request, however, the using department must request this, otherwise we risk "double orders". Step 5: Originating Department. Step 6: Combines the efforts of the originating department, Purchasing, Accounting and Data Processing. Purchasing handles the final step - Step 7. Please notify Purchasing **before disposing of any** item. At each step, other departments may also become involved.

The remainder of this manual is organized to explain in greater detail each step in the purchasing/contracting cycle and to explain common purchases, emergency and bid purchases, Request for Proposals (RFP), Grant Funded Projects, and the sale of surplus property, etc.

5.01 Department Responsibilities

The department **must obtain the appropriate departmental authorizing signatures** and forward the requisition to Purchasing. Please complete the requisition with the appropriate account number, complete description and pricing and informal bid/proposal/quote information if the purchase is under \$50,000. If you do not know vendors, please send the requisition and attach a brief written request for purchasing to research vendors and conduct the informal

bid/proposal/quote process. Any supplemental or detailed specifications and/or scope of work information should be forwarded to Purchasing, preferably via e-mail in "MS Word" format.

If an exception to the Competitive Process is requested, please explain this in a memorandum and attached to the Purchase Requisition. All waivers of the formal solicitation process must be approved through the Director of General Services by the City Manager. Please include all pertinent data, alternate sources investigated, and reasons why the exception is being requested. Independent research will be conducted by Purchasing and proper approvals will be initiated. If you have questions about the formal process waiver, please contact Purchasing.

5.02 Purchasing Responsibilities

Purchasing will review all requisitions, and proceed according to procurement procedures, policies and other applicable purchasing practices, to order goods or services requisitioned in a timely manner.

All justifications to Purchasing and the City Manager for sole sources, waivers, etc. must be submitted to Purchasing staff **prior** to award of the purchase or contract.

Purchasing staff, with the assistance of the requesting department, will prepare and/or compile all bid and/or proposal documents, with the exception of public works projects, unless specifically requested, including the final specifications. Often these documents are prepared by outside consultants, engineers or architects. A copy will be forwarded to the department for review immediately before the bid or proposals are distributed by mail or other system. Any clarification or changes need to be forwarded to purchasing immediately. Changes made after mailing, will be transmitted to the vendors by a written Addendum from Purchasing.

5.03 Timetables

Following are approximate timetables for the purchasing cycle from receipt of the requisition or request to completion of the purchase order, contract, etc. Factors affecting this timetable may include workload, clarification of specifications or requirements, approvals (i.e. sole source, budget transfer, supplemental appropriation, etc.) or problems. Timeliness can also vary depending on availability of goods, State Bid, other cooperative bids, grant timelines, or previous bids.

Under \$10,000- Department may purchase independently

\$10,000 to \$50,000 depending on complexity of items requisitioned *(revised 2/1/18)*

Telephone or fax quotes: PO issued in 2-4 days – complex issues 1 week.

Written quotes: PO issued within one (1) week.

For any services over \$10,000, a written contract is recommended with specific terms and conditions found in a standard City contract form. Purchasing is always willing to assist in contract development and always coordinates the execution process.

\$50,000 and over - purchases/contracts *-(revised 7/9/08)*

Formal bids/proposals: Advertised and sent out to vendors/contractors within one week; bids/proposals received in two to three weeks from date sent; purchase order issued and

contract executed upon receipt of department recommendation. Total process usually can usually be completed within 45 days.

Contracts: All contracts must be signed by the City Manager utilizing the Contract Execution Form -- which is first reviewed by City Attorney, General Services, and Finance. The City Manager may delegate authority to sign contracts or other instruments to authorized officials of the city for equipment, goods, and/or services in an amount not to exceed ten thousand dollars (\$10,000.00).

Contract Award after formal bid/proposal process. Bids/proposals solicitation advertised and sent out within one week. Bids/proposals are received in two to three weeks. Generally two weeks are allowed for department review and recommendation of award based upon the bid/proposal solicitation. After award, Contractor is generally given up to ten (10) days to obtain bonding, insurance, etc. and return signed contract documents after the date of award. City staff has up to ten (10) days to sign contract documents (**total time three to six weeks**).

A Purchase Order is issued after all signatures on contract documents have been obtained. Unless required by a State, Federal or other granting agency or business, standard, approved city contract forms should be used for all contracts.

CHAPTER 6 SPECIFICATIONS

Before any purchase can be made, Purchasing needs specifications detailing the department's requirements on the item to be purchased. This can be as simple as a description including acceptable manufacturer's information, or as complex as detailed specifications listing performance standards, technical requirements, etc. Whenever possible, Life Cycle costing will be incorporated into the bidding procedure. If Life Cycle costing is to be applied, necessary documents and formulas should be included with the bid documents. Criteria for selection should be reviewed for the specific project or purchase.

All specifications should be clear, free of ambiguity, conform as nearly as possible to a nationally recognized standard description, and should provide a sound basis for fair, competitive bidding. In the case of specifications prepared primarily for the use of a specific department or agency of the City, the specifications should be reviewed by Purchasing and the department head.

For your convenience, copies of various specifications and sample RFP's are on file in Purchasing and available through the National Institute of Governmental Purchasing (NIGP) or other sources. These samples may be used or modified by you or Purchasing for your needs.

6.01 Life Cycle Costing

Life Cycle cost bidding is a program designed to use factors in analyzing bids that may not be considered when using the low bid, meeting specifications system. This system places the burden on the vendors rather than the buyer to ensure the best product is purchased for the money expended.

Life Cycle costing aids you in long range budgeting since major costs and operational expenses are determined at the time of award. It helps protect the buyer from the costs of unexpectedly high repairs and gives them an evaluation of product quality as well as prices.

Life Cycle costing enables a bid to be flexible in consideration of all pertinent factors of the bid, such as energy consumption, noise levels, parts and labor costs, service, trade-in or auction value, and replacement costs, etc.

To effectively use Life Cycle costing in our bid procedures, we include a formula similar to the following example as a part of our specifications. This enables us to determine the true total cost of our bid prior to award.

Example:

Formula for gas consumption:

Price per gallon of gasoline (\$1.00) x expected vehicle life (60,000) miles

Current year EPA combined mileage estimate

This dollar amount is then added to the base price of the vehicle for total award amount.

Another example of Life Cycle costing is using guaranteed maintenance and guaranteed repurchase amounts = lowest total cost. The formula for this is:

	Unit price
PLUS	Maintenance price
MINUS	Repurchase price
PLUS	<u>Time value of money</u>
EQUALS	Low "Total" Cost

6.02 Department Responsibilities

We ask your assistance in preparing technical specifications and reviewing all specifications prior to the solicitation and definitely before bid opening or proposal deadline.

6.03 Purchasing Responsibilities

Purchasing will work with any Department to develop clear, concise specifications and ensure that competition is encouraged, consistent with the quality required and in compliance with all applicable laws and regulations. All formal solicitations will be coordinated through Purchasing with close cooperation with the user Department. Many formal solicitations will involve the use of professional services from licensed architects, engineers or other consultants. The City may delegate the bid/proposal process to a professional service provider following the appropriate city, state and federal regulations, laws, and process.

6.04 Exceptions to Competitive Process

Miscellaneous exceptions: A contract for materials, professional services or services may be awarded without competition if Purchasing, the Department Head and City Manager, determines in writing that one (1) or more of the following conditions exists:

1. There exists only one responsible source.
2. Although there exists more than one (1) responsible source, a competitive process cannot reasonably be used or, if used, will result in a substantial cost to the city, will

otherwise injure the city's financial interests or will substantially impede the city's administrative functions or the delivery of services to the public.

3. A particular material or service is required to maintain inter-changeability or compatibility as a part of an existing integrated system.
4. A particular material, professional service or service is required in order to standardize or maintain standardization for the purpose of reducing financial investment or simplifying administration.
5. The material is perishable.
6. The material qualifies as an object of fine art.
7. Time limits the City's ability to complete a formal bid/proposal process.
8. A particular material or item is required to match materials in use, so as to produce visual harmony.
9. A particular material is required to enable use by specific individual.
10. A particular material is prescribed by a professional advisor/consultant.
11. The material, professional service or service is the subject of a change order.
12. Waiver of the competitive process is found to be in the Best Interests of the City and its Citizens.

CHAPTER 7 VENDORS

Unless otherwise authorized, all City contracts and purchases over \$50,000 will be awarded by an advertised competitive bid or proposal process as outlined in this manual. Prior to contract award all vendors are subject to a debarment search on the System for Award Management (<https://www.sam.gov/SAM/>) website. No contract will be awarded to a debarred vendor.

7.01 Vendor Listing

The City of Steamboat Springs does not have an automated Vendor Listing computer program. All purchases over \$50,000, unless waived by the City Manager, will be advertised in the local newspaper/s, and on the "Bid Postings" page of the City Website (<http://co-steamboatsprings2.civicplus.com/bids.aspx>). It is the responsibility of vendors and contractors to monitor such advertisements.

7.02 Other Methods of Source Selection

The City of Steamboat Springs will use various methods to find vendor sources such as the Yellow Pages, Thomas Register, Sweets, other government or private agencies, etc. We welcome vendor information however have no automated method of combining and maintaining source information.

7.03 Cooperative Purchases/Contracts

The City is authorized to participate formally or informally in cooperative purchases through other government or non-profit agencies. Examples include, but are not limited to the State Bid Contracts (office supplies, vehicles, paper products, etc), The Colorado Multiple Assembly of Procurement Officials (MAPO), US Communities, Piggyback bids on other government bid and RFP processes. These cooperative purchases may also apply to state and federal grant funded projects (i.e. transit buses, vehicles, heavy equipment, etc.). Granting agency approval for piggyback or coop purchases must be received, in writing, prior to issuing a Purchase Order or contract.

7.04 Removal or Suspension from Vendor's List

The City has a procedure to be followed in the event a vendor is to be barred from bidding to the City. The using department must keep Purchasing informed of any problems. A written memo relative to the complaint or problem with a vendor should be forwarded to purchasing. The vendor will be contacted for resolution of the problem by the Purchasing staff. If no satisfactory solution can be found, the vendor may be precluded from bidding on future city needs.

7.05 Special Vendor Listing/Solicitation

The City follows the appropriate state and/or federal procurement/contracting regulations for grant funded projects. We often require special information or certification from suppliers/vendors/contractors to document qualifications for Disadvantages Business Enterprise (DBE), Emerging Small Business Enterprise (ESB), Equal Employment Opportunity (EEO), etc. Vendors are responsible for all documentation to meet grant compliance. Purchasing is available to assist vendors, suppliers and contractors in obtaining certification as a DBE or ESB. We encourage DBE and ESB Vendors to compete for City business. We actively advertise for DBE/ESB vendors and provide information for qualification status through such agencies as the Colorado Department of Transportation (CDOT), Federal Transit Administration (FTA), Federal Aviation Administration (FAA), etc. Vendors are encouraged to contact Purchasing for advice, assistance and information on special listings and qualifications.

CHAPTER 8 PROCUREMENT PROCEDURES AND REQUIREMENTS

Before any purchase requiring a formal solicitation process is made, specifications and scope of work are required by Procurement detailing the City's requirements. This can be as simple as the description on the requisition form or more detailed when necessary. Please make all specifications clear, free of ambiguity and provide a sound basis for a fair and competitive bid or proposal process. In the case of specifications prepared primarily for the purchase by a specific department or agency, both Purchasing and the Department Head concerned should approve the specifications.

8.01 Payment Requests and Dollar Limits

Departments may purchase individual items or groups of items, up to \$4,999.00 using a Payment Request Form. Payment Requests are designed for the convenience of the department - they do not circumvent informal purchasing procedures and they do not encumber a department budget. They still require the appropriate department level approval. Purchases may be approved by the

Department designee up to \$2,499, Department Head (\$2,500 to \$4,999), Finance Director (\$5,000 to \$9,999) and City Manager (\$10,000 and more).

8.02 Requisitions

The core of the Purchasing system is the Purchase requisition. A requisition for any purchase over \$2,500 shall be approved by the Department Head and forwarded to Purchasing. Any Requisition over \$50,000 requires a formal bid/proposal process or written waiver approved by the City Manager, and all the appropriate approval signatures. (i.e. Dept. Head, Finance Director, City Manager)

Departments assign an account number to the requisition, complete all required information, including a complete description of the item, vendors solicited, etc. All written, faxed or verbal quotes should be attached. If the purchase is considered an exception to the competitive bidding process, a brief memorandum signed by a Division or Department Head shall be attached so Purchasing can explain the exception to the City Manager and seek written approval by the City Manager prior to contract award and/or Purchase Order.

Upon receipt of the requisition in the Purchasing office, it will be screened for accuracy and completeness. Purchasing staff will proceed according to the purchasing policies and practices to procure the goods or services requested. In the case of an Exception to the Competitive Process, Purchasing will research justification for the exception and will either approve or deny the written request to the City Manager. The City Manager will have final authority on waiving the competitive bid/proposal process. If other sources and/or equivalent products are found, or the competitive waiver is denied, the department will be notified and the competitive process will be initiated by Purchasing.

8.03 Purchase Order

A Purchase Order (PO) is a contract to purchase goods or services from a specific vendor. A **PO is a contract and should be treated as such.** Very often a PO references a bid/proposal, contract and/or information on the Purchase Requisition (PR). Please keep the PR attached to the PO. After the Purchase Requisition is completed, fully signed and approved by the appropriate authority, a PO will be entered and printed by purchasing. The Director or his or her designee will check the PO and attached Purchase Requisition for completeness and sign the PO. Electronic PO copies are then distributed to the appropriate departments. All original PO's and backup are kept in the purchasing office files. It is the responsibility of the using department to administer the purchase (mail or fax hard copy to vendor, if required; acknowledge receipt, accept invoice and process interim and final payments and PO close-out). Departments should also document any unacceptable vendor performance using the appropriate form- "Attachment A" or a written memo outlining the vendor's poor performance. Purchasing is always available to assist Departments document vendor performance or any other issue associated with vendor relations or a Purchase Order. Confirming Purchase Orders (Purchase Requisitions and Purchase Orders submitted after receipt of goods or services) represent an unauthorized purchase. Confirming PO's should only be used in emergency cases or when pre-authorized by the Department Head, City Manager or City Council action. Abuse of this policy may be cause for disciplinary action.

8.04 Payment Authorization (Payment Requests)

Payment Request Forms are used for all Payment Authorizations except Purchasing Card purchases. Purchasing Card purchases are authorized based on the Finance Purchasing Card Policy.

8.05 Competitive Bids and Proposals (Revised October 21, 2013)

The procedure by which bids and proposals are invited and awards are made is the essence of Purchasing and Contracting. The opportunity to bid and submit proposals is generally unrestricted and current information regarding the City's requirements is readily available to any vendor requesting it. All City purchases over \$10,000 will be subject to some form of competition, either by verbal or written quotations from two or more vendors. Items over \$50,000 require a formal process including advertising and written bids or proposals. All formal Invitation for Bids (IFB) and Requests for Proposals (RFP) will be coordinated and issued through the Purchasing Division.

Often Grant funds are involved in the competitive bid or proposal process. It is essential that the user department provide all grant information prior to advertisement. Often State and Federal procurement regulations require different methods, documentation, advertising and dollar limit competition. The Purchasing Division must coordinate any and all procurements and contracts involving grant funds of any kind or amount to ensure OMB Uniform Guidance is followed.

Note: There are many other sections in the PARM where the formal RFP/bid threshold is mentioned. This change is applicable to all sections throughout the document. The Purchasing Division is currently developing a total new Purchasing Policy which will replace the existing Title III of the PARM.

8.06 Types of Solicitations

Telephone or fax quotations will be conducted for any item(s) easily understood via telephone conversations and consisting of low dollar amounts or if the need is urgent. Pricing information will not be released until after all quotations are received and an award is made.

Written quotations will be conducted for any complicated requirements or involving higher dollar amounts. Written quotations for items under \$50,000 will not be advertised as a legal notice in the newspaper. Pricing information will not be released until after the quotation deadline, at which time all records become public information unless information has been submitted as confidential and approved as such by the Director and/or City Legal Department.

Formal advertised and written bids and proposals will be conducted for any items, projects or services with a purchase amount greater than \$50,000. An Invitation For Bid (IFB) or Request For Proposal (RFP) will be advertised and issued which will include the date and time set for the opening or proposal deadline and all procedures, conditions and terms applicable when submitting a bid. The invitation will also provide a description of the services and/or materials to be supplied.

Legal public notice of the bid or proposal solicitation is made through advertisement in the Steamboat Pilot & Today. Ads may also be placed in the Steamboat Today Newspaper, and/or other publications may be used if deemed necessary by the using department or purchasing. Additional advertising in other newspapers or publications will be paid by the user department (i.e. Dodge reports, Denver Post, specialty publications, etc.).

Written addenda will be issued for clarification or changes to the original bid or proposal specifications with sufficient time allowed prior to the bid opening. Only Purchasing or Public Works is authorized to issue addenda.

Bids are opened publicly and bid openings are accessible to all interested parties. The envelopes in which the bids are received will be time stamped at the time of receipt. All bids received will be announced publicly. As bids are opened, the bidder's name, the amount of the bid and such other relevant information as required will be read aloud and recorded on the bid tally form. The bid tally form and all copies of the bids will become public record and open to public inspection upon request. Bids may be withdrawn by the Bidder prior to the bid opening date and time. Late bids will not be considered and will be returned unopened to the bidder. There are no exceptions to this rule. It is the responsibility of the bidder to ensure that their bid arrives to the appropriate City facility at the appropriate time, on the appropriate day. The City is not responsible for late bids that are sent to the wrong City facility or held up by the Postal Service, Fed. EX, UPS, etc. for whatever reason. In exceptional, special cases, where a situation arises (severe weather, act of God, etc.) that does not allow **any or most** of the bidders to submit bids at the advertised time or day, the Director **may** postpone the bid date.

Mistakes in bids may be corrected by the Bidder prior to the opening time and date; no correction will be allowed after the opening unless it is obvious on the face of the bid. In the case of an extension mistake, unit prices will prevail over the extension. The City generally provides estimated quantities in bid/proposal documents and reserves the right to change quantities, at its discretion, after field verifications. The City always reserves the right to delete specific bid items or adjust quantities to coincide with available funding as total projects costs will not be more than the available funding. The City always reserves the right to reject any and all bids, to waive irregularities in bidding and to accept the bid or proposal that best serves the interest of the City.

Bid and proposal evaluations will be conducted based on the requirements and criteria set forth in the Invitation for Bids (IFB), RFPs, and the specifications. The initial review for compliance will be performed by Purchasing and/or Public Works and copies of all bids with the bid tally form will be forwarded to the department for final review and recommendation for award. Awards are offered to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation to bid and the specifications. Price is important, however, overall value, service, guarantees, warranties, and long-term costs to the City are generally the primary consideration. The City evaluates the total cost of commodities and services, including, but not limited to, initial and long-term costs and ongoing service, quality, standardization, future re-purchase or trade-in value, space limitations, esthetics, operational costs, safety and health features, schedule and/or delivery time, past performance, vendor qualifications, direct and indirect staff time associated with a purchase or service, etc.

Yearly contracts are coordinated by Public Works and/or Purchasing (refuse collection, janitorial services, gravel and hauling services, office supplies, facilities maintenance, landscape maintenance, etc.). Copies of any annual bid/proposal documents are available from the Purchasing office. City departments shall secure goods and/or services from the selected vendors for these annual or long-term contracts, to enable us to ensure quality products and service, standardization, and delivery to every department.

8.07 Bid Protest Procedure

1. Filing a Protest and When to File:

Protest is submitted in writing and received by the Director of General Services within three (3) **working days** after the aggrieved person knows or should have known of the facts giving rise thereto. Protests based upon restrictive

specifications or alleged improprieties in any type of solicitation, which are apparent prior to bid opening or the closing date for receipt of initial proposals, is filed no later than three (3) days prior to bid opening or the closing date for receipt of initial proposals.

Upon receipt of a written protest, the City shall not proceed further with the solicitation or with the award of a contract until the protest is resolved by the Director or City Manager, unless the City Manager makes a written determination that the solicitation process or contract award must be continued without delay in order to avoid immediate negative consequences to the public health, safety or welfare or that the delay will cause serious service or financial damage to the City, and/or its citizens.

2. Subject of Protest.

Protesters may file a protest on any phase of solicitation or award, including but not limited to specification or award. Protesters may **not** challenge the evaluation criteria or the relative weight of the evaluation criteria or the formula for making an award determination.

3. Forms

The written protest includes, as a minimum, the following:

- a. The name and address of the protester
- b. Appropriate identification of the procurement
- c. A statement of the reasons for the protest
- d. Any available exhibits, evidence or documents substantiating the protest.
- e. If Federal funds are involved, include notice that Federal Agency may entertain a protest that alleges the grantee failed to have or follow written protest procedures.
- f. If Federal funds are involved, include notice that a protest must be filed with Federal Agency not later than five (5) days after the grantee renders a final decision for five (5) days after the protester knows or has reason to know that the grantee has failed to render a final decision.
- g. Filing Fee. The written protest must be accompanied by a filing fee in the form of a money order or cashier's check payable to the City in an amount estimated to cover the actual costs of the administrative time required to conduct the protest process. A minimum of \$100 based on \$50 per hour of City staff time spent responding to the protest. We estimate a normal protest will require between 2 and 20 hours to process. If the Director or City Manager upholds a protest, as applicable, the filing fee shall be refunded to the protestor. If the protest is denied, the filing fee shall be retained by the City in lieu of payment of costs for the administrative proceedings as prescribed below. *(Revised 4/7/10)*

Decision

The Director of General Services makes a decision, in writing, on a protest within five (5) working days after receiving all relevant, requested information. The decision informs the protestor of his

or her right to appeal to the City Manager within five (5) working days. Within seven (7) working days of receiving an appeal, the City Manager renders a decision or states the time frame for the protest review. The decision of the City Manager is final.

Withholding of Award

When a protest has been filed before award, the City will not make an award prior to the resolution of the protest, and when a protest has been filed before the opening of bids, the City will not open bids prior to the resolution of the protest, unless the City determines that:

1. The items to be procured are urgently required.
2. Delivery or performance will be unduly delayed by failure to make the award promptly.
3. Failure to make prompt award will otherwise cause undue harm to the City and its citizens.

When a protest has been filed after award, the City will not terminate or cancel any contract or Purchase Order issued to another vendor, unless it is determined by the City Manager that the award should be canceled and the project/purchase canceled, re-advertised and bid or any other option in the best interests of the City.

8.08 Bartering (added 3/04)

It is the City of Steamboat Springs policy that non-monetary (bartering) transactions be processed through the Finance Department, as if they were monetary transactions.

Department Heads, Managers and anyone who is authorized to purchase for the City are responsible for carrying out their programs with regard for economy, efficiency and effectiveness.

Occasionally this means that non-monetary transactions (bartering) may be worth pursuing, because it will bring about a greater benefit to the City than its monetary equivalent.

This policy requires that any non-monetary transaction (bartering) must be identified as a City financial transaction, with expenditures and revenues accurately and completely accounted for, and processed through the City Finance Department. Bartering for advertising must follow the Advertising Policy in section 8.10.

8.09 Advertising (added 6/04)

Advertising on City property or in City publications is sometimes used as a means to generate income for a program or facility, or to promote information about particular types of services or products to the public. In general, any opportunity provided for a non-City organization or business on City property, at a City function (sponsorship), or in any City media publication (i.e. City Page, department brochures, website, etc.) to promote a commercial business or transaction to the public should be considered advertising, and should be reviewed in accordance with this policy.

1. Appropriate Use of Advertising

The inclusion of advertising on City property or in City publications, including the City's website, has the effect of merging the identification of that City property or publication with the advertiser. Consequently, in instances in which the City is acting in a regulatory or clearly governmental role, advertising is generally inappropriate. To the extent the City uses property for specific purposes, or produces a publication to promote particular activities or concerns, advertising compatible with and in support of those purposes or activities may be appropriate.

It is important that the scope of the advertising considered compatible or supportive of the City's purposes in connection with a particular property or publication be clearly defined. It is further important that the City not discriminate among advertisers who fall within the appropriate scope of advertising (i.e. radio stations, newspapers, TV stations, magazines, etc.) The specific occasions and locations on which advertising will be allowed, and the range of the advertising to be permitted should be determined by the appropriate Department Head with final approval by the City Manager. Written agreements should be developed and approved by the City Manager for the scope of the advertising (place, length of time, type of product, size, etc.) **regardless of value** given to the City for the advertising. Sponsorships in exchange for advertising, that have an estimated value of \$5,000 or more, should be offered to the general public, as any other Request For Proposal, so there is no perception of favoritism for sponsorships and advertising using public facilities or publicly funded publications.

Types of advertising generally prohibited are:

- Advertising that primarily conveys a political, religious ideological or other non-commercial message.
- Advertising that promotes illegal activities or transactions
- Advertising that is misleading or deceptive or that constitutes a public nuisance
- Advertising of products or services inappropriate for minors or available to adults only, by law (e.g., Alcohol, tobacco). Unless previously approved by the City Manager in a specific contract. (i.e. Rodeo Grounds, Transit Buses, etc.)
- Advertising of products or services primarily related to sexual or violent activities or practices, or advertising of any product or service in a manner that is sexually suggestive or that displays violence or is inappropriate for minors
- Any advertising reasonably determined to be inconsistent with the above-stated objectives of the City of Steamboat Springs Advertising Policy.

CHAPTER 9 CONSTRUCTION CONTRACTS

9.01 Construction Contracting Procurement

All engineered construction contracting over \$50,000 is completed through the formal bid/proposal process and is generally under the direction of the Public Works Department. All building construction contracting over \$50,000 is coordinated through the formal bid/proposal process under the direction and coordination of the Purchasing/Contracting Division. Departments should use the standard documents approved by the City Attorney, Public Works, and Purchasing unless approval is granted to use other documents. Specifications are provided to Purchasing by the department Project Manager. In the case of grant funded projects, it is

important to coordinate early with Purchasing for all aspects associated with the project (i.e. architect selection, grant contract terms and conditions, funding schedule, etc.).

Construction bids are administered much the same as a formal bid. Bid and proposal solicitation, opening, and selection may be contracted to a private consulting engineer or architect for the project. After evaluation and contractor selection, according to the bid/proposal documents, the contract documents are forwarded by Purchasing to the awarded Contractor for signature, bonding and insurance certificates. The Contract Execution Form documents are then reviewed and signed by the General Services Director, City Attorney, Finance Director and City Manager, after all the proper documentation is returned. The Purchase Order for the contract is issued after execution and distribution of the completed contract documents.

The City may utilize a pre-qualification process for certain projects. The City, on a case-by-case basis, will determine these projects. Generally, a pre-qualification process is used with large or complex construction jobs where special expertise and/or experience, specialized workforce, limited construction time allotment, or substantial financial and/or bonding capabilities are required to complete a major capital project. The pre-qualification process is similar to the formal Request For Qualifications/Proposal process for professional services, Construction Managers, Construction Manager/General Contractor, or any qualifications based selection. The scope of work, professional requirements, financial capabilities, documented experience and other criteria will be carefully evaluated to determine those contractors qualified to submit formal bids/proposals for a specific project.

9.02 Bid Security

The intent of a Bid Bond or Bid Deposit is to protect the City against possible withdrawal of bids submitted by a vendor/contractor.

At the time of the bid opening, a Bid Bond in an amount predetermined by Public Works or the Director is required; if the lowest responsible bidder doesn't enter into a construction agreement, this bond (normally five percent of total bid) will be relinquished to the City. When the contract award is complete, Bid Bonds for all unsuccessful Bidders are returned. Upon receipt of the Performance and Payment Bonds and contract documents from the successful Bidder, its Bid Bond is also returned.

9.03 Performance and Payment Bonds (Revised August, 2019)

At the time of award, Performance and Payment Bonds in the amount of one hundred percent (100%) of the contract amount are required, on Construction contracts over \$50,000 or as required by Colorado Revised Statutes 38-26-105.

9.04 Insurance Requirements

Insurance certificates showing coverage as requested by the City are required before or at the time of contract award. The standard set by the City is \$1,000,000 combined single limit bodily injury and property damage, but is predetermined by the scope of the project. Coverage requirements may vary and will be established in the bid/proposal documents.

9.05 Administration of Contract Documents

The designated Project Manager as established in the contract documents handles administration of the Construction contract. Grant funded projects should have a designated Project Manager to coordinate grant reporting and reimbursements even if the reporting is handled by another Department (i.e. Finance, Purchasing). It is the responsibility of the designated Project Manager to coordinate with the appropriate City Departments for project administration including all required reports and reimbursement requests. Purchasing must be involved in all grant-funded projects with the exception of those engineered projects coordinated through Public Works.

CHAPTER 10 REQUESTS FOR PROPOSALS / REQUEST FOR QUALIFICATIONS

PROFESSIONAL AND OTHER SERVICES PROCUREMENT

All proposals for professional services (Engineering, Architects, Graphics Design, Planning Consultants, Construction Managers, Concessionaires, etc.) over \$50,000 are completed through the Request For Proposal (RFP) or Request For Qualifications (RFQ) process. The City often uses the RFP process for selecting Construction Manager/General Contractor (CMGC) on large or complex projects where there are advantages to having the General Contractor be involved in project pre-planning, design, partnering, etc. In the case where limited specifications or performance specifications are available, the RFP/RFQ process is often used for other services, commodities and/or projects.

With the exception of Public Works projects, Purchasing will lead in the development of the RFP/RFQ documents, advertising, vendor solicitation, etc. The requesting Department will be asked to provide scope of work, special conditions, specialized or technical specifications, and evaluation criteria for selection, etc. Requesting departments should include a detailed description of the scope of work, project schedule, vendor selection process, contract administration, and any other specific requirements of the project. The RFP/RFQ process can take many weeks depending upon the complexity and/or size of the project or service required. Pre-proposal conferences may be mandatory or optional and will be specified in the RFP/RFQ documents.

10.01 Proposal Evaluations

Proposal evaluations will be conducted based on the requirements set forth in the RFP/RFQ. Purchasing will perform the initial review for compliance and copies of all proposals will be forwarded to the department for final review, evaluation per the criteria and process outlined in the proposal documents, and recommendation for award. Awards are issued to the most responsive, qualified vendor/professional whose proposal meets the requirements and criteria set forth in the RFP/RFQ. Price may be, but is not usually the main factor in selection of a vendor or award of a contract pursuant to a RFP/RFQ. Vendor qualifications, past experience, professional references, financial capacity, project approach, response to the RFP/RFQ, project timing, and other criteria, are considered most important and generally before price is discussed. In grant-funded projects, there may be evaluation criteria for preferences or goals set forth in the federal regulations (i.e. Disadvantaged Business Enterprises (DBE), Emerging Small Business (ESB), Veterans, etc.).

10.02 Receipt, Opening, Recording

RFP/RFQ proposal responses are not considered public information until a selection and contract has been awarded. Then the selected proposal will become a part of any contract or Purchase Order issued for the RFP/RFQ. Any proposals not selected and awarded a contract are not considered public information and are destroyed within 12 months of the contract award. The only information that is considered public until award is recommended and made is the name of the proposer. Some information provided to the City in proposal documents may be designated in writing as confidential (i.e. financial statements, payroll or labor documents, litigation reports, etc.) A statement of confidentiality must be received from the contractor/vendor before or at the proposal deadline. The Director and City Legal Department will examine the information to determine the validity of any requests for nondisclosure or trade secrets or other proprietary data identified in writing.

10.03 Proposal Discussions

Discussions with individual proposers may be held for the following:

To promote understanding of the City's requirements and the proposer's submittal, facilitate arriving at a contract that will be most advantageous to the City taking into consideration price and the other evaluation factors set forth in the RFP/RFQ. Many times the selection process will include a citizen committee or other group appointed by City Council or the City Manager for the purpose of selecting the best vendor/contractor for a project or group of projects.

Conduct and Purpose of Discussion: After RFP's have been opened, discussions or interviews may be held with those Proposers determined to be most responsive. Discussion may be held to clarify requirements and to make adjustments to services to be performed and in costs and/or prices. Disclosure of any information derived from competing proposals is prohibited. Any changes to the proposal, technical, scope and/or costs, shall be submitted/confirmed in writing by the Proposer/Contractor.

10.04 Best and Final Offer (BAFO)

Best and Final Offers (BAFO) may be obtained if the City and/or evaluation committee determines that additional information is necessary in order to make a decision in the best interests of the City. One or more acceptable offerors must be given the same opportunity to submit a Best and Final Offer. The City will request, in writing, a Best and Final Offer (BAFO) from one or more of the proposers deemed responsive or most responsive. Purchasing will coordinate this BAFO document in the same manner as an RFP/RFQ.

If offerors do not submit a BAFO, their previous submission will be considered their Best and Final Offer. Negotiations may commence with one or more of the responders to the BAFO to select the contractor/vendor that meets the evaluation factors set forth in the BAFO or previous RFP/RFQ and costs that are most advantageous to the City.

CHAPTER 11 SURPLUS SUPPLY MANAGEMENT

11.01 Purchasing Responsibilities

The disposal of surplus property is another service provided by Purchasing. Property is declared surplus when it is no longer practical, necessary or economical to be retained by the City. If you have furniture, equipment, scrap or supplies you no longer need, please notify Purchasing.

The sale of confiscated or stolen goods is the responsibility of the Police Department, however, Purchasing may assist.

11.02 Disposal Policy

Whenever feasible and economical, trade-ins can be arranged to be credited against the cost of new equipment.

Departments should submit a written description of the surplus item(s), including make, model and serial number if applicable. Also include the age, general condition and any pertinent information available.

Purchasing will determine whether the item(s) can be used by another City department, donated to a local non-profit or other government agency, and/or advertise these items to all departments prior to disposal by auction or sealed bid.

Any item of property purchased with Federal grant money over \$5,000 in cost requires permission from the Federal agency prior to disposal. These Federally funded items must be at the end of their useful life or the City must repay the Federal Government based on the remaining value using straight-line depreciation.

Departments should complete a surplus property disposal form identifying the asset if the purchase cost was \$1,000 or more and forward to Purchasing, even if the item is sold or transferred to another City Department. Purchasing will forward the form to Finance.

11.03 Disposal Methods

Auctions or sales of surplus equipment, supplies or assets are held periodically. The Police Dept. holds an annual auction of surplus, lost, stolen or confiscated items every year. Procedures for the disposal of general property other than vehicles are:

1. Establish a list of items to be disposed of, including description, how many, general condition (does it work?) and a fixed asset number, if any.
2. Forward this list to Purchasing, including the account number to credit proceeds. Also, list a contact person in your office for questions.
3. Purchasing will determine if the items are usable by another City department, another local government agency, a local non-profits, etc. If not, Purchasing will advertise the items for a minimum of one week to be sold to the highest bidder. City Employees may participate in advertised bids for surplus property.
4. The Police Auction is held annually and administered by the Police Department. Send lists to Purchasing thirty days prior to the auction.
5. Departments are responsible for transporting all items to the auction site.

6. After the auction recap is received showing what was sold and for how much, you will receive a copy of the auction recap showing the portion of the proceeds deposited in the designated fund. Sealed bids are conducted when surplus equipment is deemed specialized or of a higher value than can be realized by disposal by auction. A combined auction with other governmental agencies for rolling stock and heavy equipment may be conducted depending upon number of items, value, etc.
7. City Employee may participate in the Police auctions as any member of the public.

CHAPTER 12 INTERGOVERNMENTAL RELATIONS

12.01 Cooperative Bidding

It is sometimes beneficial to group the City's requirements with the like requirements of other cities, counties or agencies. This practice results in a lower cost to all entities while maintaining the integrity of each entity's bidding requirements. When cooperative bids are conducted, each entity supplies its requirements, one entity is selected to administer the bid process and awards can be determined either individually or as a total, whichever is the most beneficial to all. The City may "piggy-back" on bids/proposals of other agencies for goods and services when it is in the best interests of the City and allowed by granting agencies (i.e. bus purchases, etc.).

12.02 State Bid, MAPO, Piggyback Awards

The State of Colorado, Colorado Multiple Assembly of Procurement Officials (MAPO), and other government purchasing cooperatives bid many common requirements through the year and make the award results available to some or any governmental agency. State Bid, MAPO, and other such governmental contract awards enable local governmental agencies to purchase goods and services at a reduced price due to quantity discounts and do not require the Bidding process by individual entities. The City may purchase on a piggyback method and buy goods or services awarded to other governmental agencies if such contracts and purchase agreements are in the best interests of the City.

Copies of current State Bid, and MAPO awards are available from the Purchasing office and various state and MAPO web sites. Utilization of State Bid and/or MAPO awards does not require additional bidding and saves time and money for both the using department and purchasing. In some cases, it is advantageous to the City to advertise for bids and/or proposals even if a State Bid or MAPO contract has been awarded. Many times the vendors for State and MAPO contracts are located in Front Range/Denver locations and cannot provide the same services or pricing in Steamboat Springs.

CHAPTER 13 DISADVANTAGED BUSINESS STATEMENT (DBE) TITLE IV OF THE CIVIL RIGHTS ACT AMERICANS WITH DISABILITIES ACT (ADA)

13.01 Disadvantaged Business Enterprise (DBE)

Purchasing does not maintain an active file of Disadvantaged Business Enterprises (DBE) or Emerging Small Business (ESB). We request qualified firms supplying parts, supplies and services to submit information stating the firm's qualifications and areas of expertise. When required by federal, state or other funding sources, special considerations are given to these firms according to the grant requirements.

The City has previously adopted and maintains a Disadvantaged Business Enterprise Program in accordance with the U.S. Department of Transportation (DOT). A copy of this Program and other grant assurance documents are available in the Purchasing Department.

The City generally uses the certification standards to determine eligibility of firms to participate as DBEs through the Colorado Department of Transportation (CDOT). CDOT information regarding Prequalified Contractor DBE Listing can be found at <https://www.codot.gov/business/civilrights/smallbusiness/dbe>.

13.02 Title VI of the Civil Rights Act

Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) affords all individuals the opportunity to participate in Federal financially assisted programs.

The City of Steamboat Springs complies with all applicable State and Federal laws, rules and regulations regarding the use of public funds associated with State and Federal grants to the City. The City enters into grant contracts with assurance to grant funding agencies, that the City and its contractors and suppliers shall not discriminate on the grounds of race, color, or national origin, sex, disability or age nor shall anyone based on the above classes, be excluded from participation in City business or activities. The City of Steamboat Springs's policies prohibit contractors and subcontractors from discriminating against their own employees or other subcontractors. The City also ensures equal opportunities for participation in City business and projects.

13.03 Americans with Disabilities Act (ADA)

The ADA is comprehensive legislation intended to address discrimination against people with physical and mental disabilities. Individual with a disability under the ADA is a person who:

1. has a physical or mental impairment that substantially limits a "major life activity", or
2. has a record of such an impairment, or
3. is regarded as having such an impairment

Under the ADA it is illegal to discriminate against a qualified individual with a disability in a provision of public services or in employment. Employers must make reasonable accommodations so that individuals with disabilities can perform their jobs. All Contractors awarded City projects and Purchase Orders are required to comply with all applicable local, state and federal laws and regulations.

13.04 Complaints

If you are a member of the public, a City employee, or applicant, or a contractor employee, and you believe that you are in need of protection under Title VI, for the ADA, please contact an EEO office.

A complaint alleging discrimination against any employee, facility, contractor or program of the City may be filed by an individual or through a representative with the Director. The City's ADA coordinator is the Director of General Services and ADA comments, complaints or questions may be submitted directly to the Director.

Complaints will be documented to the appropriate Department, City Legal Department, funding agency, if required, etc. The City will conduct an investigation within 30 days of receipt of the complaint and report the findings to the City Manager. The City will notify the complainant of the investigation, any findings and of proposed actions. A complainant has the right to appeal the decision of the Director and/or City Manager within 10 days after the receipt of reported findings and proposed action. If the complainant remains unsatisfied with the findings or proposed action, he/she may file a complaint on the Federal level. According to Federal regulations, a complaint must be filed no later than 180 days after the alleged discrimination occurred. Requests of appeal must be filed, in writing, to the City of Steamboat Springs.

CHAPTER 14 PUBLIC PURCHASING ETHICS

14.01 Gifts and Gratuities

It is the city's policy that no employee shall accept nor solicit any gifts, entertainment, meals or gratuities from vendors with a value in excess of \$25.00. A gratuity means a payment, loan, advance, deposit of money, services, or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value is received.

14.02 Conflict of Interest

The holding of City government employment is a public trust and all employees shall carry out their duties for the benefit of the citizens of Steamboat Springs. Conflicts of interest are defined as either financial or personal in nature. A City employee is prohibited from participating in or attempting to influence a City decision when either type of conflict of interest exists. However, the city recognizes that Steamboat Springs is a small community and it is very likely that conflicts will exist. A conflict is described as any procurement of goods or services over \$1,000, and/or any contract over \$1,000, from an employee, employee spouse or immediate family member.

In the case of Federally funded grants a City employee shall not participate in the selection, award, or administration of a contract if he or she has a real or apparent conflict of interest per the Uniform Guidance §200.318.

The existence of a conflict does not necessarily mean the city is precluded from doing business with an individual or company identified with a real or perceived conflict (i.e. spouse or family-member owned business). Policy requires that disclosure be made to the City Manager with a recommendation that proceeding with the procurement where a conflict of interest exists, is in the "best interests" of the city. When a conflict of interest is identified, the requesting department and/or employee must immediately declare such interest by delivering a written statement to Purchasing. If written disclosure is impractical under the circumstances, oral disclosure will suffice until a written disclosure can reasonably be filed. The decision of the City Manager in a conflict of interest issue involving a city employee is final.

1. Financial Interests

Essentially, an employee has a financial interest in a decision of the City when the City decision entails some foreseeable, measurable financial benefit to the employee (a **spouse-owned business may not supply goods or services valued over \$1,000 annually to the City without submitting a written conflict of interest statement to the City Manager, as an example**). The definition of "financial or conflict of interest" and the various exceptions are defined in greater detail in the City Charter.

2. Personal Interests

A City employee has a personal interest in a decision when his or her independence of judgment or action in the performance of official duties would, in the judgment of a reasonably prudent person, tend to be impaired by some close relationship or association.

3. Contracts

Contracts made in violation of the provisions of the City Charter (either because they were entered into by a person having a conflict of interest or because they involved a prohibited sale or purchase) are voidable by the City. At the City's option, all or any designated portion of the monies received by a third party under the contract may have to be refunded to the City unless a written disclosure is presented and approved by the City Manager or City Council (if conflict involves a City Council Member).

4. Sales to the City

City employees and their relatives are prohibited from having any financial interest in the sale to the City of any real or personal property, unless, after disclosure is made, it is determined, by the City Manager, that the sale is in the "best interests" of the city.

5. Purchases from the City

City employees may participate, the same as any other member of the public, in the Police Auction and publicly advertised disposal of city property (advertised bids for vehicles, equipment, etc.).

6. Disclosure

If a contract, procurement or sale is recommended where there is any actual or perceived conflict, this conflict must be disclosed, in writing, to the City Manager who will make the final decision relative to approving the procurement.

7. Approved Conflicts

Certain conflicts are acceptable for goods or services for which there is an obvious need and are provided by national companies, local non-profits, etc. Examples of such companies are as follows:

- a. US Postal Service
- b. Federal Express
- c. United Parcel Service
- d. Hospitals, medical clinics
- e. Public or non-profit agencies. (Arts Council, Visiting Nurses, Museum, etc.)

CHAPTER 15 TRAVEL PROCEDURES

The written guidelines relative to training, travel, and meeting procedures are covered in the Department of Financial Services, "Business Travel Policy". Written guidelines and forms are available from the Financial Services Department public drive on the network.

CHAPTER 16 PURCHASING CARD POLICIES AND PROCEDURES

The written guidelines relative to Purchasing Card policies and procedures are covered in the Department of Financial Services, "Purchasing Card Policy". Written guidelines and forms are available from the Financial Services Department public drive on the network.

The use of purchasing cards is intended to save time and money and will minimize payment requests for many small dollar purchases.

The purchasing card:

- Enables employees to order and receive products directly from any merchant accepting Visa.
- Gives employees the power and flexibility to purchase supplies and services when the organization needs and without delay.
- Employees will receive delivery of low cost items faster, because there is less paperwork.
- Allows the Procurement/Contracting Division to focus on contracts and high dollar purchases in order to save money and reduce administration costs for the City of Steamboat Springs and its citizens.

Note: When placing orders for bulk, or high cost items please ensure the city is receiving the items at the lowest cost possible.

ATTACHMENT A VENDOR EVALUATION REPORT

Vendor Name: _____

Vendor Number: _____

Address: _____

Contact Person: _____

City: _____

Purchase Order #: _____

State: _____ Zip: _____

Purchase Order Date: _____

NATURE OF COMPLAINT

__01 Delivery _____ Days early
_____ Days late

__ 10 Shipment Made Collect
__ 11 Request to Cancel for bid error

- 02 Unauthorized Substitution
- 03 Poor Quality
- 04 Failure to Respond to Calls
- 05 Poor Service
- 06 Failure to Respond to Service
- 07 Incorrect Invoices
- 08 Failure to Meet Specifications
- 09 Failure to Identify Shipments

- 12 Failure to Replace Damaged goods
- 13 Failure to Respond to Letter
- 14 Repair Parts Not Available
- 15 Poor Workmanship
- 16 Failure to Provide Warranty
- 17 Shipment of Used Goods
- 18 Short Weight or Over Shipment
- 19 Other _____

DETAILS OF COMPLAINT:
(Attach second page if necessary)

Has complaint been resolved? YES____ NO____

COMPLAINANT'S SIGNATURE: _____

Title: _____ Department: _____

Phone Number: _____ Date: _____

Action Taken by Buyer: _____

Buyer: _____ Date: _____

Original: Purchasing

Copy: Department

ATTACHMENT C PURCHASE REQUISITION SAMPLE FORM

REQ# 1202
 Date 12/08/2018
 Vendor #

City of Steamboat Springs
Purchase Requisition

PO# _____
 Date _____

TO

Ship To Address

137 10th Street
 PO Box 775088
 Steamboat Springs CO 80487

Attn:

Attn:

Date Required By:

Description	GL Acct	Activity #	Qty.	Unit Cost	Total
Sample	10-10-18-20-520-5210	0	1.0000	1.00	1.00
Freight:					
				Total	1.00

THIS IS NOT A PURCHASE ORDER

Notes:

 Department Delegate: Date:

 Fin. Director (\$5,000 or More): Date:

 Dept. Director (\$2,500 or More):Date:

 City Manager (\$10,000 or More): Date:

ATTACHMENT D EXCEPTION TO COMPETITIVE PROCESS MEMO

To: Gary Suiter, City Manager
Through: Alan Lind, Director of General Services
From: Your Name and Title
Date:
Subject: Waive RFP/Bid process for

I am requesting approval from the City Manager pursuant to Section 6.04 of the City's Procurement Regulations, Exceptions to Competitive Process.

Paragraph 2 states that an exception to the competitive process is allowable, with City manager approval, when "Although there exists more than one (1) responsible source, a competitive process cannot reasonably be used or, if used, will result in a substantial cost to the City, will otherwise injure the City's financial interests or will substantially impede the City's administrative functions or the delivery of services to the public." (*There are other reasons for exception to the competitive process in Section 6.04 of the PARM – insert the correct language for your particular reasons.*)

I am requesting a waiver of the competitive process to award a contract to (*insert Contractor's name*) to complete the (*insert name of project or item to purchase*). *State reason(s) why you wish to waive the competitive bid process.*

Please indicate your approval by signing below. If you have any questions, please contact me.

Approved by: _____ Date: _____
Alan Lind, Director of General Services

Approval: _____ Date: _____
Gary Suiter, City Manager

