

**TOWN OF FRISCO
COUNTY OF SUMMIT
STATE OF COLORADO
ORDINANCE 22 – 08**

AN ORDINANCE AMENDING CHAPTER 9 OF THE CODE OF ORDINANCES OF THE TOWN OF FRISCO, COLORADO, CONCERNING BIDDING PROCEDURES AND CONTRACT FORMATION, BY AMENDING SECTIONS 9-1, CONCERNING FORMAL BIDDING REQUIREMENTS; 9-3, CONCERNING BID SPECIFICATIONS; AND 9-9, CONCERNING AN EXCEPTION TO BIDDING REQUIREMENTS FOR COORDINATED PURCHASING PROGRAMS.

WHEREAS, the Town Council desires to amend Town code provisions concerning competitive bidding and contract formation to: (1) increase the purchase amount authorizations to reflect inflationary increases since they were last adjusted in 2007; and (2) provide the Town with the ability to utilize cooperative purchasing programs; and

WHEREAS, cooperative purchasing programs involve agreements with lead agencies that purchase specified materials and services for themselves and/or participating cooperative members by preparing the bid or proposal solicitations, receiving bids or proposals, and awarding a contract for use by all participating members if they so desire; and

WHEREAS, cooperative purchasing has been shown to improve competition and thereby the quality and price of materials and services while avoiding duplication of efforts; and

WHEREAS, the Town Council finds that cooperative purchasing programs will increase the Town's purchasing efficiency by removing the need, in many instances, for internal formal bidding procedures, and are likely to result in more beneficial pricing because large groups of purchasers, together, are often able to obtain better pricing and quality through purchase scale.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FRISCO THAT:

Section 1. Section 9-1 of the Code of Ordinances of the Town of Frisco (the "Code"), concerning the general requirement for formal bidding, is hereby amended to read as follows:

§ 9-1. Formal Bidding Required.

The Town recognizes the need to use outside sources for providing professional services, constructing capital projects, procuring supplies and equipment and providing services for day-to-day operations and maintenance. Except as otherwise set forth in subsection 9-3.F and section 9-9 of this Chapter, contracts for such services, supplies and equipment in excess of fifty seventy thousand dollars (\$570,000) shall be awarded through the formal competitive bidding process as set forth in this Chapter.

Section 2. Section 9-3 of the Code, concerning bid specifications, is hereby amended to read as follows:

§ 9-3. Bid Specifications.

A. Department managers are authorized to make purchases ranging in cost from zero dollars (\$0.00) to ~~nine~~ fourteen thousand nine hundred ninety-nine dollars and ninety-nine cents (~~\$9,999.99~~ 14,999.99) for services, supplies and/or equipment approved in the budget.

B. Department managers are authorized to make purchases ranging in cost from ~~ten~~ fifteen thousand dollars (~~\$10,000.00~~ 15,000.00) to ~~twenty-four~~ thirty-four thousand nine hundred ninety-nine dollars and ninety-nine cents (~~\$24,999.99~~ 34,999.99) for services, supplies and/or equipment approved in the budget after receiving verbal quotes for such services, supplies and/or equipment.

C. Department managers are authorized to make purchases ranging in cost from ~~twenty-five~~ thirty-five thousand dollars (~~\$25,000.00~~ 35,000.00) to ~~forty-nine~~ sixty-nine thousand nine hundred ninety-nine dollars and ninety-nine cents (~~\$49,999.99~~ 69,999.99) for services, supplies and/or equipment approved in the budget after receiving written quotes for such services, supplies and/or equipment.

D. Department managers are authorized to make purchases ranging in cost from ~~fifty~~ seventy thousand dollars (~~\$50,000.00~~ 70,000.00) to ~~ninety-nine~~ one hundred fifty thousand ~~nine hundred and ninety-nine dollars and ninety-nine cents~~ dollars (~~\$99,999.99~~ 150,000.00) for services, supplies and/or equipment approved in the budget after soliciting competitive bids for such services, supplies and/or equipment.

E. If a purchase is outlined in the budget and the amount of the purchase exceeds one hundred ~~fifty~~ thousand dollars (~~\$10~~50,000.00), the department manager shall bring the purchase request before Council in the form of a Resolution after soliciting competitive bids for such purchase.

Section 3. Section 9-9 of the Code, concerning coordinated governmental purchases, is hereby amended to read as follows:

§ 9-9. Coordinated Government Purchases.

A. In lieu of any verbal quote, written quote or competitive bid that is required by section 9-3 above, department managers may use bids to the State of Colorado (solicited through the Bid Information and Distribution System), or bids obtained through the Multiple Assembly of Procurement Officials, the General Services Administration, Sourcewell (formerly National Joint Power Alliance), Omnia Partners, or US Communities to get the benefit of the pricing available through those procurement systems. Similar organizations may be added to the above list with the approval of the Finance Director. Except as relates to the requirements for verbal or written quotes or competitive bids, nothing herein shall be construed to exempt purchases made using such a procurement system from the approval process set forth in section 9-3 above.

B. In the event the Town of Frisco can coordinate budgeted purchases for providing professional services, constructing capital projects, or procuring supplies and equipment in conjunction with other Summit County government agencies, and such coordination results in lower costs and furthering the intergovernmental relationship, the bidding requirements set forth in section 9-3 herein concerning verbal quotes, written quotes and competitive bids may be waived by the Town Manager. Except as relates to the requirements for verbal or written quotes or competitive bids, nothing herein shall be construed to exempt purchases made in coordination with other government agencies from the approval process set forth in section 9-3 above.

Section 4. Savings Clause. Should any section or sections of this ordinance be determined by a court of competent jurisdiction to be unconstitutional or invalid for any reason, then that section or sections shall be deemed severable and the remaining provisions of this ordinance shall continue in full force and effect.

Section 5. Effective Date; Dates for Compliance. This Ordinance shall become effective five (5) days after publication after final adoption, in accordance with the Home Rule Charter of the Town of Frisco.

INTRODUCED, PASSED ON FIRST READING AND PUBLICATION AND POSTING ORDERED ON
THE ____ DAY OF _____, 2022.

ADOPTED ON SECOND AND FINAL READING AND PUBLICATION BY TITLE ORDERED THIS
____ DAY OF _____, 2022.

TOWN OF FRISCO, COLORADO:

Mayor Hunter Mortensen

ATTEST:

Deborah Wohlmuth, CMC, Town Clerk