

# BIDDING PROCEDURES AND CONTRACT FORMATION

## Chapter 9

### BIDDING PROCEDURES AND CONTRACT FORMATION

- § 9-1. Formal Bidding Required.
- § 9-2. Purchasing.
- § 9-3. Bid Specifications.
- § 9-4. Publication Requirements.
- § 9-5. Competitive Bids.
- § 9-6. Rejection of Bids; Waiver of Formalities.
- § 9-7. Local Preference.
- § 9-8. Recycled Product Purchases.
- § 9-9. Coordinated Government Purchases.
- § 9-10. Emergency Purchases.
- § 9-11. Authority to Promulgate Policy.

[HISTORY: Adopted by the Board of Trustees of the Town of Frisco 1-3-89, Ord. 88-11. Amendments noted where applicable. Repealed and re-enacted in its entirety 5-24-05, Ord. 05-12]

### ARTICLE 1 General Provisions

#### § 9-1. Formal Bidding Required. [Amended 7-10-07, Ord. 07-11]

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 of this Chapter, contracts for such services, supplies and equipment in excess of fifty thousand dollars (\$50,000) shall be awarded through the formal competitive bid process as set forth in this Chapter

#### § 9-2. Purchasing.

Selection of vendors, contractors or consultants will be based on one or more of the following criteria:

- A. Past experience with the Town,
- B. Knowledge of the Town and region,
- C. Philosophy regarding the nature of the project,

## BIDDING PROCEDURES AND CONTRACT FORMATION

- D. Availability of time,
- E. Quality of product, service, material, maintenance and/or warranties,
- F. Price, and
- G. Such other criteria as provided in the invitation for bids, if applicable.

### **§ 9-3. Bid Specifications. [Amended 7-10-07, Ord. 07-11]**

- A. Department managers are authorized to make purchases ranging in cost from zero dollars (\$0.00) to nine thousand nine hundred ninety-nine dollars and ninety-nine cents (\$9999.99) for services, supplies and/or equipment approved in the budget.
- B. Department managers are authorized to make purchases ranging in cost from ten thousand dollars (\$10,000.00) to twenty-four thousand nine hundred ninety-nine dollars and ninety-nine cents (\$24,999.99) 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 thousand dollars (\$25,000.00) to forty-nine thousand nine hundred ninety-nine dollars and ninety-nine cents (\$49,999.99) 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 thousand dollars (\$50,000.00) to ninety-nine thousand nine hundred and ninety-nine dollars and ninety-nine cents (\$99,999.99) 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 thousand dollars (\$100,000), the department manager shall bring the purchase request before Council in the form of a Resolution after soliciting competitive bids for such purchase.
- F. Town Council is authorized to approve contracts for any amount, without a competitive bidding process, for goods or services that, in the opinion of Council, are best obtained from a single or sole source due to one (1) or more factors including, but not limited to, specialized skills, special knowledge and/or experience, unique and relevant experience, knowledge of the Town and geographic region, or exceptional qualifications or reputation in the field. When authorizing such contracts, Council shall by motion, resolution or ordinance describe the factors that cause it to approve such contract without a competitive bidding process.

## BIDDING PROCEDURES AND CONTRACT FORMATION

### **§ 9-4. Publication Requirements.**

When competitive bids are required as set forth in Section 9-3 of this Chapter, an "invitation to bid" shall be published in a local newspaper of general circulation at least fifteen (15) days but not more than forty-five (45) days from the bid deadline. The invitation to bid shall include an adequate description of the services, supplies and/or equipment to be purchased. Bids shall be opened publicly at the time and place designated in the invitation for bids. The amount of each bid and such other relevant information as may be specified by Town policy, together with the name of each bidder, shall be entered on a record and open for public inspection. The Town shall not be obligated to select the lowest bidder, but shall select based on the criteria established in this Chapter and in the invitation to bid.

### **§ 9-5. Competitive Bids.**

When substantially similar bids are received from different bidders for identical services or products, the Town will offer those bidders the opportunity to re-bid. When two or more bids are substantially similar, and the bidders have had the opportunity to re-bid, the Town will give preference in awarding the contract either to a local bidder (as such term is defined in section 9-7 of this Chapter) or to a bidder with whom the Town has previously contracted.

### **§ 9-6. Rejection of Bids; Waiver of Formalities.**

The Town of Frisco reserves the right to reject any or all bids or waive any formalities in whole or in part. In the event that the contract is awarded to other than the lowest qualified bidder, written justification shall be supplied.

### **§ 9-7. Local Preference.**

At the Town Manager's discretion, based upon the vendor criteria set forth in Section 9-2, bids solicited from local bidders pursuant to this Chapter may receive preference. In order for a local bidder to be awarded a contract pursuant to this section 9-7, the bid, if received from a Frisco-based bidder, shall not be more than ten percent (10%) higher than that of the lowest qualified bidder, and if received from a Summit County, Silverthorne, Dillon or Breckenridge-based bidder, shall not be more than five percent (5 %) higher than that of the lowest qualified bidder.

For purposes of this Chapter 9, "local bidder" is defined as any person, partnership, limited liability company, corporation or association who has been a bona fide resident of Frisco, Summit County, Silverthorne, Dillon or Breckenridge for one (1) year or more immediately prior to submitting a bid.

### **§ 9-8. Recycled Product Purchases.**

## BIDDING PROCEDURES AND CONTRACT FORMATION

The Town encourages recycling and supports environmental concerns. When all other factors are the same, the department managers are encouraged to purchase recycled products provided the cost is within 10% of other bids.

### **§ 9-9. Coordinated Government Purchases.**

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 herein may be waived by the Town Manager.

### **§ 9-10. Emergency Purchases.**

In the event of a natural disaster, accident or other emergency during which the health, safety or welfare of the community is at risk, the bidding requirements set forth herein may be waived by the Town Manager.

### **§ 9-11. Authority to Promulgate Policy.**

Consistent with the provisions of this Chapter, the Town Manager is authorized to promulgate policies to be utilized in making determinations pursuant to this Chapter.