

MILLCREEK, UTAH
ORDINANCE NO. 24-54

**AN ORDINANCE AMENDING FINANCIAL ADMINISTRATION CODE SECTIONS
2.22.040 AND 2.22.050, AMENDING PURCHASE APPROVAL THRESHOLDS**

WHEREAS, the Millcreek Council ("Council") met in regular session on December 9, 2024, to consider, among other things, amending financial administration code sections 2.22.040 and 2.22.050, amending purchase approval thresholds; and

WHEREAS, the City Manager and the Finance Director have recommended amending financial administration code sections 2.22.040 and 2.22.050, amending purchase approval thresholds; and

WHEREAS, after careful consideration, the Council has determined that amending financial administration code sections 2.22.040 and 2.22.050, amending purchase approval thresholds, is in the best interest of the city's residents' health, safety, and welfare.

NOW THEREFORE, BE IT ORDAINED by the Council that Section 2.22.040 and 2.22.050 of the Millcreek Code of Ordinances be amended as follows (designated by highlighting/underlining the words to be added):

2.22.040 Acquisition Of Services And Supplies, In The Amount Of \$39,999~~20,000~~ Or Less

- A. Except as provided herein, whenever the total price of a contract for services or supplies is estimated to be \$20,000 or less, the following procedures shall apply:
1. Where the amount to be paid by the City is \$~~105~~,000 or less, a purchase order, service request, check request, or check may be approved by the Department Head to whose budget it affects.
 2. Where the amount to be paid by the City is greater than \$~~105~~,000 but \$~~19,999~~~~10,000~~ or less, a purchase order, service request, check request, or check may be approved by the Mayor or Designee.
 3. Where the amount to be paid by the City is greater than \$~~19,999~~~~0,000~~ but ~~39,999~~\$20,000 or less, three independent price quotes shall be obtained prior to such acquisition, and a purchase order, service request, check request, or check must be approved by the Mayor or Designee.
 4. For purposes of determining the amount to be paid for the purchase order or service request, a single purchase, or what would commonly be considered a single purchase, shall not be subdivided into component parts to avoid ~~the~~ authorization limits.
- B. Approval of a contract for services or supplies by the City includes authorization to pay the contractor or vendor in the ~~amount of the original contract~~original contract amount.
- C. Change orders may be approved by the person in the amounts indicated provided the total contract price, including the change order, is within the original budget amount; provided, however, the Mayor or Designee shall provide a full and complete accounting

and description to the Council for any change order or series of change orders with respect to a project that ~~are is~~ \$20,000 or more.

2.22.050 Acquisition, Services, And Supplies In An Amount Of ~~Greater Than \$420,000 Or Greater~~

Except as provided herein, whenever the total price of a contract for services or supplies is estimated to be ~~greater than \$420,000 or greater~~, an invitation for bids or a request for proposals shall be issued prior to acquisition, and the following procedures shall apply:

- A. The Mayor or Designee shall develop the appropriate plans and/or specifications for each such acquisition or project.
- B. The Mayor or Designee shall cause notice of invitation of bids or responses to requests for proposals (including a general description of the items to be procured, the work to be done, and the time and place for the opening of bids or proposals), to be published on the city website and ~~on the~~ Utah Public Notice Website created by Utah Code Ann. § 63A-16-601.
- C. The Mayor or Designee may ~~determine charge~~ a non-refundable fee ~~to be charged to~~ each prospective bidder who ~~desires requests~~ a set of plans and/or specifications.
- D. Bids or proposals shall be invited from vendors deemed to be appropriate and responsible.
- E. Bids shall be sealed and delivered to the location or person designated by the bid notice before the time and date specified. At the appointed time, the Mayor or Designee appointee will open and read aloud all the bids.
- F. If the estimated cost of a building improvement, public works project, or road project exceeds the bid limit (all as defined in UTAH CODE ANN. § 11-39-101, et seq. and UTAH CODE ANN. § 72-6-108 and 109), the City shall request bids as required in UTAH CODE ANN. § 11-39-101, et seq. or UTAH CODE ANN. § its successor.
- G. For purposes of determining the estimated total price of a contract for services or supplies, what would commonly be considered a single purchase shall not be subdivided into component parts to avoid authorization limits.
- H. Approval of a contract for services or supplies includes authorization to ~~make payment to pay~~ the contractor or vendor ~~in the amount of the original contract~~ original contract amount.
- I. Change orders may be approved by the person in the amount indicated provided the total contract price, including change orders, is within the original budget amount provided, however, the Mayor or Designee shall provide a full and complete accounting and description to the Council of any change orders that exceed \$20,000.
- J. Notwithstanding the above, if the Mayor or Designee determines in writing, a copy of which shall be given to the Council at the next regular Council meeting, that the method described above is either not practical or not advantageous to the City, a contract may be entered into as provided in Utah Code Ann. § 63G-6a-101 et seq.

- K. Notwithstanding the above, the Mayor or Designee may (i) purchase services or supplies from the vendor who has submitted the lowest bid price for such items to the State of Utah Purchasing Office at the quoted price, without any solicitation, price quotation, request for proposals, or invitation to bid, or (ii) purchase nonprofessional services, equipment, or supplies from the vendor who has submitted the lowest bid price for such items to a government entity at the quoted price, provided that the government entity used a solicitation process that is the same or similar to the solicitation process described herein, without any solicitation, price quotation, request for proposals, or invitation to bid. For such purposes, the quoted price shall be deemed ~~to be~~ the lowest price available for such items and need not follow the solicitation procedures otherwise required by these rules.
- L. Notwithstanding the above, the Mayor or Designee may (i) purchase services or supplies from vendors to assure standardization of supplies or services, provided that such standardization is in the public interest, (ii) purchase services or supplies ~~which that~~ can be procured from only one source, manufacturer, or distributor, (iii) purchase services or supplies from vendors based on a continuation of services or supplies, provided that such combination is in the public interest; or (iv) purchase services or supplies from other government entities pursuant to UTAH CODE ANN. § 11-13-101, et seq., (Interlocal Cooperative Act).
- M. Notwithstanding the above, the City hereby adopts by this reference Utah Code Ann. § 63G-6a-1205(4)(i) and authorizes the Mayor or Designee to utilize the construction delivery methods known as construction manager/general contractor.

This Ordinance assigned no. 24-54 shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's recorder.

PASSED AND APPROVED this 9th day of December 2024.

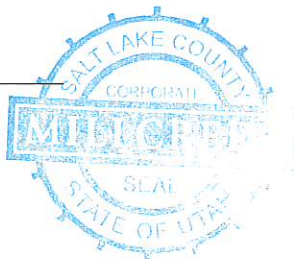
MILLCREEK COUNCIL

By: 

Jeff Silvestrini, Mayor

ATTEST:


Elyse Sullivan, City Recorder



Roll Call Vote:

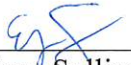
Silvestrini	☒ Yes	☐ No
Catten <i>excused</i>	☐ Yes	☐ No
DeSirant	☒ Yes	☐ No
Jackson	☒ Yes	☐ No
Uipi	☒ Yes	☐ No

CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:

ORDINANCE 24-54: AN ORDINANCE AMENDING FINANCIAL ADMINISTRATION
CODE SECTIONS 2.22.040 AND 2.22.050, AMENDING PURCHASE APPROVAL

THRESHOLDS was passed and adopted the 9th day of December, 2024 and certifies that a copy
of the foregoing Ordinance 24-54 was posted in accordance with Utah Code 10-3-711 this 10
day of December, 2024.



Elyse Sullivan, City Recorder