ORDINANCE NO. 2025-04

AN ORDINANCE ADOPTING REGULATIONS RELATED TO THE FINANCIAL ADMINISTRATION, PURCHASING, PROCUREMENT, AND PROPERTY MANAGEMENT OF AND FOR LAKE POINT

WHEREAS Lake Point is authorized and required to adopt regulations related to the management, protection, and disposal of City finances and property under Utah Code §§ 10-8-1 and 10-8-2;

WHEREAS the Lake Point city council previously adopted Ordinance No. 2023-04 related to the adoption of regulations, policies, and procedures to govern the expenditure of funds, the sale of city property, and other matters related to the City's finances and property;

WHEREAS the Lake Point City Council desires to repeal and replace Ordinance No. 2023-04 in order to provide for a monthly reporting of expenditures and invoices in addition to the other regulations previously adopted;

NOW, THEREFORE, BE IT ORDAINED by the Lake Point City Council as follows:

Section 1. Purpose. The purpose of this Ordinance is to establish regulations to govern the cash and check handling, uncollectable debts, ethics, conflict of interests, reporting of fraud, fund policy, purchasing, expenditure, and sale of Lake Point funds and other property.

Section 2. Scope. Purchases shall not be made and encumbrances shall not be incurred for the benefit of the city, except as provided by the Utah Uniform Municipal Fiscal Procedures Act, Title 10, Chapter 6 of the Utah Code, applicable portions of the Utah Procurement Code, Title 63G, Chapter 6a of the Utah Code, the Building Improvements and Public Works Projects Act, Title 11, Chapter 39 of the Utah Code, Utah Municipal Officers and Employees Ethics Act, and this chapter.

Section 3. Definitions. Unless the context requires otherwise, the terms as used in this chapter shall have the following meanings:

a. "Bidder" means a person who submits a bid or price quote in response to an invitation for bids.

b. "Building Improvement" means the construction or repair of a public building or structure that is not an international airport.

c. "Capital Project" is a long-term, capital-intensive investment to build upon, add to, or improve a capital asset.

d. "Construction" means the process of building, renovating, or demolishing any public structure or building, major developmental work, or landscaping of public real property. It does not include the routine operations, routine repair, or routine maintenance of existing structures, buildings, or real property.

e. "Design professional services" means:

   i. professional services within the scope of the practice of architecture;

   ii. professional engineering;

   iii. master planning and programming services; or

   iv. professional services within the scope of the practice of landscape architecture

f. services within the scope of the practice of commercial interior design, as defined in Utah Code Section 58-86-102.

g. "Employment" means the hiring of employees for the city, including part-time, seasonal, full-time, and other employees. Does not include independent contractors or professional services.

h. "Evaluation Committee" is at least three members to evaluate proposals received in response to a request for proposals issued by the procurement unit.

i. "Invitation for Bid" means a document used to solicit bids to provide a procurement item to a procurement unit or quotes for price of a procurement item to be provided to a procurement unit.

j. "Line Item Change Order" means changes to the quantities of existing line items with unit pricing approved according to the purchasing system.

k. "Local Bidder" means a firm or individual who regularly maintains a place of business and transacts business in, or maintains an inventory of merchandise for sale in, or is licensed by, or pays business taxes to the City.

l. "Offeror" means a person who submits a proposal in response to a request for proposals.

m. "Procurement" means the acquisition of a procurement item through an expenditure of public funds or an agreement to expend public funds, including an acquisition through a public-private partnership.

n. "Procurement official" means for a local government procurement unit:

   i. the legislative body of the local government procurement unit; or

   ii. an individual or body designated by the local government procurement unit;

o. "Procurement Unit" local government legislative body

p. “Professional Services” means, but is not limited to, the following: auditing, architecture, banking, insurance, engineering, appraisals, legal services, and other consulting services.

q. “Proposal” A submitted document(s) prepared by a respondent in response to a solicitation issued by Lake Point, including, but not limited to, a Request for Bid (RFB), Request for Proposal (RFP), or Request for Qualifications (RFQ). A submission includes the required information as specified in the solicitation by the requested time and date and in the appropriate format(s)

r. "Public Property" Any item of real or personal property owned by the City.

s. "Public Works Project" means the construction of a park, recreational facility, pipeline, culvert, dam, canal, or other system for water, sewage, stormwater, or flood control.

t. "Qualified vendor" means a vendor who:

    i. is responsible; and

    ii. submits a responsive statement of qualifications under Section 63G-6a-410 that meets the minimum mandatory requirements, evaluation criteria, and any applicable score thresholds set forth in the request for statement of qualifications.

u. "Request for information" means a nonbinding process through which a procurement unit requests information relating to a procurement item.

v. "Request for proposals" means a document used to solicit proposals to provide a procurement item to a procurement unit, including all other documents that are attached to that document or incorporated in that document by reference.

w. "Request for statement of qualifications" means a document used to solicit information about the qualifications of a person interested in responding to a potential procurement, including all other documents attached to that document or incorporated in that document by reference.

x. "Responsible Bid" means an offer submitted by a responsible bidder to furnish supplies, equipment, or contractual services in conformity with the specifications, delivery terms and conditions, and other requirements included in the invitation for bids.

y. "Responsible bidder" means a person or firm who has the capability, in all respects, to fully perform the contract requirements and who has the integrity and reliability which will assure good faith performance. The lowest responsible bidder is a bidder who has submitted the lowest bid to furnish supplies or contractual services to the City and who meets the standards set forth in this definition. The lowest responsible bidder's bid shall comply with the specifications, delivery terms and conditions, and other qualifications and requirements included in the invitation for bids and shall be accompanied by any bonds required by the City or other applicable law. In determining the lowest responsible bidder, the City shall give primary emphasis to bid price but may also consider the following items, in addition to any other relevant consideration:

i. The ability, capacity, experience, and skill of the bidder to perform the service required.

ii. Whether the bidder can perform the contract or provide their services within the time specified.

iii. The quality and performance of previous services by the bidder, either to the City or another entity.

iv. Quality, availability, and adaptability of the supplies or contractual services to the particular use required.

v. The ability of the bidder to provide future maintenance and service.

vi. The number and scope of conditions attached to the bid or price quotation.

vii. The maintenance history of the product, the parts and service costs of the product, existing inventory, mechanic's expertise, and ease of maintenance.

viii. All bidders shall furnish information and data requested by the City that will assist the City in determining whether or not a particular bidder is the "lowest responsible bidder".

z. "Solicitation" means the procedure used to solicit quotations on price and delivery from various prospective suppliers of supplies, equipment, and contractual services.

aa. "Solicitation Process" means the process used by the City to solicit and award bids or contracts. Examples of processes used in this chapter include formal competitive bidding, competitive sealed proposals in lieu of bids, and approved vendor procedure.

bb. "Standard procurement process" means:

i. the bidding process;

ii. the request for proposals process;

iii. the approved vendor list process;

iv. the small purchase process; or

v. the design professional procurement process.

cc. "Supplies, Materials, and Equipment" means any tangible and all articles of personal property or things which shall be furnished to or used by any City department or by any City employee in the performance of their duties. Supplies, materials, and equipment may be collectively referred to as "supplies".

dd. “Uncollectable Debts” means any monetary amount owed to the City that, after reasonable efforts to collect, is determined uncollectable, in the sole discretion of the City.

Section 4. General Financial Administration Policies

a. Cash Handling and Depositing Policy

i. The City shall not accept physical cash as a means of payment. All payments must be made via check, credit/debit card, ACH transfer, or other approved electronic payment methods.

ii. Depositing checks:

1. Checks shall be deposited to the City’s financial institution or through remote deposit, following these procedures:

a. Payment shall be credited to the appropriate account before depositing.

b. Checks shall be scanned and made available to the Treasurer.

c. Checks that are being deposited remotely shall be counted and totaled by the City Recorder and a second authorized city staff member or Council Member to ensure accuracy before depositing. The Treasurer shall be informed after deposits are made.

d. Checks that have been deposited remotely shall be placed securely in the city’s locked safe.

i. Checks shall be shredded no less than two months after they are deposited.

2. Checks physically deposited at the city's financial institution shall be verified by at least one other staff member and/or the Treasurer before and after deposit to ensure all funds are properly recorded.

b. The City shall not loan any city funds or assets to any Council member, Commission member, Staff, or citizens.

c. Council Members, Planning and Zoning Commission Members, and City Staff shall complete and sign a Conflict of Interest and Ethics Agreement each Fiscal Year they are serving the city in an official capacity.

i. Disclosure of Conflicts of Interest:

1. Before participating in any action or decision-making process, individuals must disclose any conflicts of interest related to matters under consideration by the City. A conflict of interest includes, but is not limited to:
    a. Having an ownership interest in a business or property that is subject to city regulatory actions.
    b. Representing an individual or organization with matters before the public body.
    c. Holding financial agreements with a party seeking city approvals.
2. Officials must disclose conflicts in accordance with the Utah Municipal Officers and Employees Ethics Act and City policies before deliberating or voting on any matter.

d. Refund, Uncollectable Debt, Billing Adjustment, Overcharge Policy.

i. Refunds:

1. The City shall process refunds only in cases where payment errors, duplicate payments, or overpayments are identified and as established by city code.

2. Refunds will only be issued to the original payor and in the original form of payment, where feasible.

ii. Uncollectable Debts:

1. A report shall be provided to the Council annually on any doubtful or uncollectible accounts, including the account holder's name, remaining unpaid balance, duration of delinquency, and collection methods used.

    a. The Council may write off any or all of the doubtful or uncollectible accounts, in whole or in part if;

        i. the debts have been outstanding past their due date for a period of more than 5 years, and

        ii. there is no reasonable expectation that further collection efforts will produce a return.

iii. Billing Adjustment Policy:

1. Billing adjustments may be made in cases of clerical errors or verifiable billing disputes.

2. All adjustments must be documented for audit purposes.

iv. Overcharge Policy:

1. If a customer is overcharged due to a billing error, the City shall refund or credit the overpaid amount within 30 days of discovery.

2. The City shall notify affected customers of the overcharge and available resolution options.

e. Committed, Restricted, and Assigned Fund Policy

i. When an expenditure is incurred and restricted, committed, assigned, and unrestricted fund balance/net position is available, the City will apply the most restricted funds first.

ii. Committed Funds:

1. The City Council shall designate funds for specific purposes by resolution or ordinance, requiring Council action to modify the designation.

iii. Restricted Funds:

1. The restricted fund balance category includes amounts that can be spent only for the specific purposes stipulated by the constitution, external resource providers, or through enabling legislation.

iv. Assigned Funds:

1. Amounts in the assigned fund balance classification are intended to be used by the government for specific purposes but do not meet the criteria to be classified as restricted or committed.

f. Reporting Fraud and Abuse Policy

i. Any employee, elected official, or citizen who suspects fraud, misuse of funds, or abuse of city resources shall report the matter to the City Recorder, City Treasurer, or City Council.

ii. The City shall provide multiple reporting channels, including a confidential reporting mechanism, to protect whistleblowers from retaliation.

iii. Reports of fraud or abuse shall be documented, reviewed promptly, and investigated following state law and applicable municipal policies.

iv. The City shall comply with the Utah Fraud Risk Assessment and Reporting Requirements to ensure financial integrity and accountability.

g. Donations

i. It is the intent of this policy to establish a formal process for acceptance and documentation of donations made to the City that are not Capital Assets.

ii. Objectives of the Donation Policy

1. Facilitate the acceptance of donations in the form of cash, services, and/or equipment to Lake Point by establishing clear guidelines for giving.

2. Ensure that donations do not create liability for the City with regard to the health and safety of the City.

iii. Types of Donations covered:

1. This policy applies to donations given to the City or one of its administrative departments in the form of cash, services, equipment, and/or personal property that are not capital assets. Donations of real property are excluded from coverage under this policy. This policy also specifically excludes gifts and donations to individual City employees and elected officials.

iv. General Donation Policies

1. The City has no obligation to accept any donation and reserves the right to deny any donation without comment or cause.

2. Donations do not become the property of the City until they are accepted consistent with this policy.

3. Two City Employees, a City Employee and a Council Member, or Two Council Members must be present to accept donations. A receipt will be provided to the donor, and a copy for the City records for all donations. Cash shall be distributed to the appropriate city fund, and all other donations shall be placed under the authority of the appropriate City department.

4. All donations will be evaluated by the City prior to acceptance to determine whether the donation is in the City's best interest and is consistent with applicable City laws, policies, ordinances, and resolutions. Donations inconsistent with applicable City laws will not be accepted.

5. The City does not provide legal, accounting, tax, or other such advice to donors. Each donor is ultimately responsible for ensuring the donor's proposed donation meets and furthers the donor's charitable, tax, and financial goals.

Section 5. **Administration of Procurement.** The Council Chair or designee shall function as the procurement official for the City. They shall administer the purchasing system provided by this ordinance, shall perform the duties, and have the powers concerning purchasing as follows:

a. Administer and maintain the purchasing and solicitation system;

b. Recommend to the City such new or revised purchasing requirements as are deemed desirable and in conformance with other statutory requirements;

c. Negotiate and recommend the execution of contracts for the purchase of supplies, equipment, and contractual services;

d. Seek to obtain as full and open competition as possible on all purchases;

e. Manage solicitation processes and responses in conformance with this ordinance.

f. The procurement official cannot be designated to be on the evaluation committee

Section 6. Solicitation Processes. The City shall substantially comply with the following guidelines for the specific solicitation process used:

a. Budget. For all solicitation processes, the procurement official shall establish a budget or estimated cost for the procurement.

b. Formal Competitive Bidding.

i. Notice Inviting Bids Issued

1. Notice includes a general description of the articles to be purchased or the work to be performed, the location where bid plans and specifications may be secured, and the time and place for opening bids.

2. The notice inviting bids shall be post notice of the solicitation at least seven days before the day of the deadline for submission of a solicitation response:

a. Published on the City website, the State bid page website, and/or any other online bid or notice website that is reputable and will be seen by those within the appropriate market or profession.

3. State Bid List. If there is a quotation for the item desired to be purchased on the State bid list, the City may invite prospective bidders to bid against the price quoted in the State bid list.

ii. Bid Procedure

1. A procurement unit shall include in an invitation for bids:

a. a description of the procurement item that the procurement unit seeks;

b. instructions for submitting a bid, including the deadline for submitting a bid;

c. the objective criteria that the procurement unit will use to evaluate bids;

d. information about the time and manner of opening bids; and

e. terms and conditions that the procurement unit intends to include in a contract resulting from the bidding process.

2. Sealed bids may be submitted as designated in the notice with the statement "Bid for (item or project)" on the envelope/subject.

3. Bids shall be opened at the time and place stated in the notice.

4. A tabulation of all bids received shall be open for public inspection during regular business hours for a period of not less than thirty (30) days after the bid opening.

5. Bids submitted to the City shall be evaluated on the basis of compliance with specifications and other relevant criteria.

iii. Responsible Bid Evaluation: A procurement unit that conducts a procurement using a bidding process shall evaluate bids:

1. using the objective criteria described in the invitation for bids; and

2. to achieve the greatest long-term value to the city and the procurement unit.

iv. Bid Award. Bids shall be awarded or rejected as set forth in Section 8

c. Competitive Sealed Request for Proposal (RFP)

i. Notice of an RFP shall be:

1. Published on the City website, the State bid page website, and/or any other online bid or notice website that is reputable and will be seen by those within the appropriate market or profession; and

2. Delivered to all known responsible prospective bidders, including those whose names are on a bidders' list or who have made a written request that their names be added to the bidders' list; and

3. Published in other locations, such as trade journals, if deemed necessary to reach additional responsible prospective bidders.

ii. Process of Request for Proposals

1. The request for proposals shall state

    a. the description of the procurement item that is being sought,

    b. instructions for submitting a proposal,

    c. subjective criteria that the procurement unit will use to evaluate proposals

    d. Objective factors and criteria, including price, that will be used to evaluate the proposals.

    e. time and manner of opening proposals, and

    f. terms and conditions that the procurement unit intends to include in a contract resulting from the request for proposals process.

2. The Procurement Unit:

    a. shall accept proposals as provided in the request for proposals;

    b. may not open a proposal until after the deadline for submitting proposals; and

    c. may not disclose the contents of a proposal to the public or to another offeror, except as provided in Subsection 63G-2-305(6).

iii. Opening of Proposals

1. Proposals shall be opened so as to avoid disclosure of contents to competing offerers during the process of evaluation and negotiation.

2. A register of proposals shall be maintained by the City for thirty (30) days after the contract award.

iv. Revision of Request for Proposals

1. After the deadline for submitting proposals, a procurement unit may, at the discretion of the procurement official, issue a request for proposals addendum that has limited application only to offerors that have submitted proposals, if the addendum does not change the request for proposals in a way that, in the opinion of the procurement official, would likely have affected the number of

proposals submitted in response to the request for proposals had the addendum been included in the original request for proposals.

v. Revision of Submitted Proposal

1. A person who submits a proposal may not, after the deadline for submitting proposals, make a change to the proposal if the change is prejudicial to:

    a. the interest of the procurement unit; or

    b. fair competition.

2. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing bidders.

vi. Award of Proposal.

1. The award shall be made to the offeror whose proposal is determined to be the most advantageous to the City, taking into consideration price, the evaluation factors set forth in the request for proposals, and other criteria set forth herein. The City may further negotiate additional terms not included in the bid/proposal in order to comply with budgets, specific services/products sought, and other matters beneficial to the City. Evaluation of Proposals

    a. An evaluation committee shall evaluate and score each responsive proposal that has not been eliminated from consideration, using the criteria described in the request for proposals.

    b. Criteria not described in the request for statement of qualifications may not be used to evaluate a statement of qualifications.

    c. An evaluation committee may enter into discussions or conduct interviews with, or attend presentations by, the party whose proposals are under consideration.

    d. At the conclusion of the evaluation process, an evaluation committee shall prepare and submit to the procurement unit a written statement that recommends a proposal for an award of a contract, if the evaluation committee decides to recommend a proposal, contains the score awarded to the recommended proposal based on the criteria stated in the request for proposals, and explains how the recommended proposal provides the best value to the procurement unit.

d. Request for Qualifications

   i. A procurement unit may establish criteria in a request for a statement of qualifications by which the qualifications of a design professional, as set forth in a statement of qualifications, will be evaluated, including but not limited to:

      1. the design professional's work history and experience;

      2. performance ratings earned by the design professional or references for similar work;

      3. any quality assurance or quality control plan;

      4. the quality of the design professional's past work product;

      5. the time, manner of delivery, and schedule of delivery of the design professional services;

      6. the design professional's financial solvency;

      7. any management plan, including key personnel and subconsultants for the project; and

      8. the project specific criteria that the procurement unit establishes.

   ii. A request for a statement of qualifications may not include a request for a price or a cost component for the design professional services.

   iii. Evaluation of Statement of Qualifications

      1. An evaluation committee shall evaluate and score each responsive statement of qualifications that has not been eliminated from consideration, using the criteria described in the request for statement of qualifications.

      2. Criteria not described in the request for statement of qualifications may not be used to evaluate a statement of qualifications.

      3. An evaluation committee may enter into discussions or conduct interviews with, or attend presentations by, the design professionals whose statements of qualifications are under consideration.

      4. An evaluation committee shall rank the top three highest scoring design professionals, in order of their scores, for the purpose of entering into fee negotiations.

5. If fewer than three responsible design professionals submit statements of qualifications that are determined to be responsive, the procurement official shall issue a written determination explaining why it is in the best interest of the procurement unit to continue the fee negotiation and the contracting process with less than three design professionals.

6. The deliberations of an evaluation committee may be held in private.

7. If the evaluation committee is a public body, as defined in Section 52-4-103, the evaluation committee shall comply with Section 52-4-205 in closing a meeting for its deliberations.

iv. Determination of Compensation for Design Professional Services

1. The procurement officer shall award a contract to the qualified design professional whose statement of qualifications was awarded the highest score under Subsection 63G-6a-1503(4) by the evaluation committee, at compensation that the procurement officer determines, in writing, to be fair and reasonable to the procurement unit.

2. In making the determination described in section 1, the procurement officer shall take into account:

   a. the estimated value, scope, and professional nature of the services; and

   b. the complexity of the project or services.

3. If the procurement officer is unable to agree to a satisfactory contract with the highest scoring design professional at a price the procurement officer determines to be fair and reasonable to the procurement unit, the procurement officer shall:

   a. formally terminate discussions with that design professional; and

   b. undertake discussions with the second-highest scoring, qualified design professional.

4. If the procurement officer is unable to agree to a satisfactory contract with the second-highest scoring design professional, at a price the procurement officer determines to be fair and reasonable to the procurement unit, the procurement officer shall:

   a. formally terminate discussions with that design professional; and

b. undertake discussions with the third-highest scoring, qualified design professional.

5. If the procurement officer is unable to award a contract at a fair and reasonable price to any of the highest-scoring design professionals, the procurement officer shall:

   a. select additional design professionals; and

   b. continue discussions in accordance with this part until an agreement is reached.

e. Approved Vendor Procedure

   i. Purchases of Supplies may be made through supplier accounts the City has opened with various vendors through bidding, RFQ, RFP, or other approved procurement processes. Employees are encouraged to use sales events for those common supplies sold through various public vendors.

   ii. Approved vendor purchases shall, whenever possible, be based on at least three (3) quotes or bids, even if informal. Quotes or bids shall be solicited from prospective vendors by written or oral request.

Section 7. Choice of Solicitation Process per dollar amount. Except as otherwise provided in this Chapter or by provisions of State or Federal law, purchases of supplies, services, or equipment shall follow one of the bid or proposal processes outlined below for the appropriate dollar amount. In cases where more than one alternative is listed as acceptable for a given dollar amount, any of the listed alternatives shall be acceptable. The City shall not incur any liability for choosing one alternative over another. The choices of solicitation process are as follows:

a. Building Improvements and Public Works Projects that exceed the bid limit established in Utah Code § 11-39-101 shall follow the bid and other procedures set forth in Title 11, Chapter 39 of the Utah Code.

b. Purchases of supplies or services having an estimated value in excess of twenty-five thousand dollars ($25,000.00) shall be approved by the City Council pursuant to one of the following procedures:

   i. State bid list.

   ii. Formal competitive bidding.

   iii. Competitive sealed Request for Proposal Proposals..

   iv. Request for Qualifications

c. Purchases of supplies or services having an estimated value of greater than five thousand dollars ($5,000.00) but less than or equal to twenty-five thousand dollars ($25,000.00) shall be approved by the City Council pursuant to one of the following procedures:

   i. State bid list.

   ii. Formal competitive bidding, without the requirement of publishing notice.

   iii. Competitive sealed Request for Proposal proposals in lieu of bids.

   iv. Approved vendor procedure.

   v. Request for Qualifications

d. Whenever the supplies or services have an estimated value of $5,000.00 to $1000.00, all solicitation processes and procedures may be dispensed with as long as;

   i. it is approved by the majority of the Council in attendance in a public meeting and;

   ii. As long as the adopted Fiscal Year Budget allows the expenditure.

e. Whenever the supplies or services have an estimated value of $1000.00 or less, all solicitation processes and procedures may be dispensed with as long as;

   i. with prior notification of the Council Members.

   ii. the adopted Fiscal Year Budget allows the expenditure

Section 8. Recurring Purchases/Subscriptions

a. Recurring purchases/subscriptions must have a majority approval from the Council in attendance in a public meeting.

Section 9. Awarding of Bids

a. Lowest Responsible Bidder. Except as otherwise allowed or required, the City shall award the contract or bid to the lowest responsible bidder. The name and bid amount of the bidder to whom the contract is awarded shall be published on the City website.

b. Rejection of Bids. The City Council, procurement official, or others authorized to accept and award bids may reject any and all bids presented and may resolicit for bids as set forth in this Ordinance. The City may proceed to do any work itself after rejecting all bids by following the procedures set forth in Utah Code § 11-39-103, if applicable.

c. Negotiation of Bids. Where a bid exceeds available funds and time or economic considerations preclude re-solicitation of work or purchase of a reduced scope or quantity, the procurement official or designee may negotiate an adjustment of the bid price, including changes in the bid requirements, with the lowest responsible bidder, in order to bring the low bid within the amount of available funds.

d. Tie Bids. If two (2) or more of the bids received are for the same total amount or list price, quality and service being equal, the procurement official or designee may negotiate with the bidders and obtain the best bid possible and/or give a preference to a local bidder.

e. Local Bids. The procurement official or designee may specify in the solicitation notice that preference will be given to a response from a local provider, on such terms as the officer or designee determines.

f. Single Bids. The procurement official or designee may require a price or cost analysis if only one bid is received. The bidder may be required to furnish a detailed cost proposal, and the bid award shall be subject to subsequent negotiation.

g. Bonds. Before entering a contract, the City shall have the authority to require performance, payment, or other bonds or insurance in such amounts as deemed necessary to protect the interests of the City. The types and amounts of the bonds or insurance to be required shall be described in the notice inviting bids.

Section 10. Cancellation and Rejections of Bids and Proposals

a. An issuing procurement unit may cancel an invitation for bids, a request for proposals, or other solicitation or reject any or all bids or proposal responses, in whole or in part, as may be specified in the solicitation, when it is in the best interests of the procurement unit in accordance with the rules of the rulemaking authority.

b. The reasons for a cancellation or rejection described in Section 1 shall be made part of the contract file.

Section 11. Exceptions To Solicitation Requirements. Unless otherwise required by State or Federal law, the solicitation process requirements set forth in this Ordinance do not apply in the following situations:

a. Employment. Employment decisions, employment payments (including payroll and benefit payments), and the hiring of all employees is not subject to any solicitation process, provided that the City Council may authorize or require a competitive process, by job posting or other similar methods, where desirable to have a competitive process for selecting an employee, and all employment payments shall be established through the City's budget process.

b. Contracts Not Suited to Competitive Bidding. Contracts, which by their nature are not suited to award by competitive bidding, shall not be subject to the competitive solicitation requirements of Section 3.08.040. These contracts include, but are not necessarily limited to:

i. Contracts for items which may only be purchased from a single or sole source.

ii. Contracts for additions to and repairs and maintenance of equipment owned by the City, which may be more efficiently added to, repaired, or maintained by a particular person or firm.

iii. Contracts for equipment that, by reason of the training of City personnel or the inventory of replacement parts maintained by the City, are more compatible with the existing equipment owned by the City.

c. Auction, Closeout, Bankruptcy Sales. If the procurement official or designee determines that supplies, materials, or equipment can be purchased at any public auction, closeout sale, bankruptcy sale, or other similar sale, and if the procurement official or designee finds that a purchase at any such auction or sale will be made at a cost below the market cost in the county, a contract or contracts may be let, or the purchase made, without complying with the competitive bidding requirements of this Chapter.

d. Exchanges. Exchanges of supplies, materials, or equipment between the City and any other public agency which are not by sale or auction shall be by mutual agreement of the respective public agencies.

e. Projects Performed by City Employees. City employees may be used to complete City projects, provided that the City complies with State statutory requirements governing contracts for building improvements and public works projects.

f. State Bid List. The City may purchase 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 or price quotation, or invitation to bid. For such purposes, the quoted price shall be deemed to be the lowest price available for such items, and the City need not follow any other bidding requirements.

g. Utah Correctional Industries Division. Goods and services produced by the Utah Correctional Industries Division may be purchased from the Utah Correctional Industries Division without following any of the bidding requirements set forth herein.

h. Emergency Purchases. Notwithstanding any other section of this Chapter, competitive bidding may be suspended in the event of an emergency when supplies, services, and/or contracts are needed immediately in order to respond to the emergency. In order to suspend competitive bidding, the emergency must require immediate action and/or response in order to protect the life, health, or safety of persons or property, or, in the event of an improvement bond forfeiture, the need to complete the bonded improvements in a certain time frame, given all factors, including weather considerations.

i. Contract Extension. Extension of contract with a firm currently providing service for the reasons outlined in Utah Code 63G-6a-802.7.

Section 12. Contract Considerations

i. Change orders. Change orders which increase the contract price in an amount of the lesser of $10,000.00 or 10% of the contract amount may be approved by the procurement official chief procurement officer or designee, as long as the overall project budget is not exceeded by more than the lesser of $10,000.00 or 10% of the contract price, and provided further that the sum of all change orders does not increase the contract price by more than the lesser of $10,000.00 or 10% of the contract amount. Line item change orders may be approved by the procurement official chief procurement officer or designee as long as the overall project budget is not exceeded by more than the lesser of $10,000.00 or 10% of the contract price.

ii. Multi-Year Contracts. Multi-year contracts longer than five years shall comply with Utah Code § 63G-6A-1204 Multi-year Contracts.

iii. All contracts, except employment contracts, shall be reviewed and re-solicited at least every five years.

Section 13. Interlocal Agreements in Letting of Contracts for Commodities or Services

a. The City shall have the power to enter into joint purchase agreements with any or all other public agencies within the state for the purchase of any commodity or service, whenever it is determined by the City Council to be in the best interest of the City.

Section 14. Hearing and Notice for Sale of Significant Parcel of Real Property

a. Lake Point shall not sell a significant parcel of real property except after reasonable notice is provided of a public hearing related to the disposal and said public hearing is held to allow for public comment on the proposed disposition, as required by Utah Code § 10-8-2.

b. "Reasonable notice" for purposes of this section shall mean a notice that describes the property being disposed of and the date, time, and place of the public hearing that is published at least fourteen (14) days in advance of the public hearing in at least the following places:

   i. the city offices; and

   ii. the Utah Public Notice Website and the city website.

c. A "significant parcel of real property" shall constitute any parcel or lot of real property that is capable of development under applicable zoning or that is equal to or greater than one-tenth (1/10) of an acre.

Section 15. Sales, Leases, and Disposal of Any Property

a. In selling, leasing, or otherwise encumbering any property, real or personal, that is reasonably estimated to have value, the City Council shall approve the method or methods by which the property will be sold. For property with an expected value of at least $100,000, the City Council shall have an appraisal performed of the property prior to approving any transaction related thereto.

b. The City Council may seek bids or proposals for the property through any of the solicitation processes described in this ordinance, may enter into private negotiations, or use other reasonable methods to establish a sale, rental, or lease price, along with other terms and consideration.

c. The City Council shall ensure that, whatever method or process is used to sell, lease, or otherwise encumber property, the City receives at least fair market value in exchange for the rights and property so transferred.

Section 16. The City Council shall examine and consider all claims for payments or damages submitted to the City in accordance with governing law.

Section 17. The City Treasurer shall present to the City Council, at least monthly, a report of all invoices, checks, and other payments made, issued, or approved by Lake Point.

Section 18. Repeal and Replace

a. This Ordinance shall repeal and replace Ordinance 2023-04. This Ordinance shall take effect immediately upon its adoption and publication in accordance with law.

PASSED, APPROVED, AND ADOPTED on the 2 day of April, 2025

Lake Point

By______________________________

Chair

ATTEST:

____

City Recorder Jamie Olson

SEAL

LAKE POINT • 1854 • 2022 • UTAH

Voting:

Alexis Wheeler	Yea /	Nay___	Absent ___
Kirk Pearson	Yea /	Nay___	Absent ___
Jonathan Garrard	Yea /	Nay___	Absent ___
Kathleen VonHatten	Yea /	Nay___	Absent ___
Ryan Zumwalt	Yea /	Nay___	Absent ___