

TOWN OF BRIGHTON

ORDINANCE #2026 – 3 – O-3-1

AN ORDINANCE ADOPTING TITLE 3, CHAPTER 75, PROCUREMENT AND PURCHASING, ESTABLISHING PROCEDURES FOR THE ACQUISITION OF GOODS AND SERVICES AND RELATED FINANCIAL CONTROLS OF THE BRIGHTON MUNICIPAL CODE

WHEREAS, the Town of Brighton Town Council (“Council”) wishes to promote fiscal responsibility, transparency, and accountability in Town purchasing and contracting; and,

WHEREAS, the Council finds that adoption of clear procurement procedures protects public funds and ensures fair and competitive purchasing practices; and,

WHEREAS, the Council desires to codify procurement policies into the Brighton Municipal Code to provide consistent standards for acquisition of supplies, services, equipment, and professional services;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF BRIGHTON, UTAH, AS FOLLOWS:


SECTION I: Adoption. Title 3, Chapter 75 Procurement and Purchasing of the Brighton Municipal Code is hereby adopted as attached hereto as **Exhibit A**.

SECTION II: Effective Date. This ordinance shall go into effect after publication and posting as required by Utah Code Title 10, Chapter 3.

PASSED AND ADOPTED by the Town Council of Brighton, Utah, this 10th day of March, 2026.

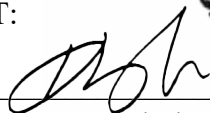


TOWN OF BRIGHTON



Scotty John, Mayer

ATTEST:



Kara John, Town Clerk

Exhibit A:

Chapter 3.75 – PROCUREMENT AND PURCHASING

3.75.010 Purpose and Intent

The purpose of this chapter is to establish uniform procedures governing the acquisition of supplies, equipment, services, and professional services by the Town.

3.75.020 Scope and Applicability

- A. This Ordinance shall, except where otherwise noted, govern the acquisition of services, supplies, equipment, and related contractual obligations by Brighton Town.
- B. No purchases shall be made and no encumbrances shall be incurred for the benefit of the Town except as provided in this Ordinance.
- C. No purchase shall be made and no encumbrance shall be incurred unless funds sufficient to cover the purchase or encumbrance have been budgeted and are available within the approved budget.
- D. Notwithstanding the provisions above, whenever any purchase or encumbrance is made with state or federal funds and the applicable state or federal laws or regulations are in conflict with this Ordinance to the extent that following the provisions of this Ordinance would jeopardize the use of those state or federal funds, such conflicting provisions of this Ordinance shall not apply and the Town officials making such purchases shall follow the procedure required by the applicable state or federal laws or regulations.

3.75.030 Definitions

Unless the context requires otherwise, the following terms shall have the following meanings:

- A.. "Encumbrance" means an obligation of the Town.
- B.. "Professional Services" means professional and other skilled services such as auditing, architecture, engineering, surveying, appraisals, legal service, or counseling, sought or obtained from sources other than regular Town employees.
- C.. "Nonprofessional Services" means services other than professional services.
- D.. "Supplies" means any and all tangible articles or things, materials, or equipment which shall be furnished to or used by any Town department or employee within the scope of employment with the Town.
- E.. "Invitation for Bids" means a solicitation, including soliciting documents, of competitive sealed bids for procurement of services, supplies, and equipment. An

Invitation for Bids should be used as determined by the Mayor when the Town is capable of specifically defining the scope of work for which the services, supplies, and equipment are required, or when the Town is capable of establishing precise specifications defining the actual commodity or group of commodities required.

- F.. "Request for Proposals" means a solicitation, including soliciting documents, of competitive proposals for procurement of services, supplies, and equipment. A Request for Proposals should be used as determined by the Mayor when there may be a need for price and service negotiations; there may be a need for negotiations during the performance of a contract; the relative skill and expertise of the offeror needs to be evaluated; costs are secondary to the characteristics of the product or service sought (for example, in a work of art); or the conditions of the service, product, or delivery are unable to be sufficiently described in an Invitation for Bids or are not suitable for an Invitation for Bids.

3.75.040 Budgetary Compliance and Authority

- A.. The Mayor shall require all Town expenditures to conform to budget and other requirements of the Uniform Fiscal Procedures Act for Utah Towns. Approval of a budget by the Council that includes an amount for acquisition of nonprofessional services, equipment, and supplies, building improvements, or professional services constitutes authorization to acquire and to make payments for such items, provided the acquisitions are made as set forth in this Ordinance and payment requests and checks that exceed \$5,000 have at least two authorized signatures.
- B.. Contracts or purchases exceeding \$30,000 shall require approval of the Town Council.

3.75.050 Small Purchases (Up to \$30,000)

Except as provided herein, whenever the total price of a contract for services or supplies is estimated to be \$30,000 or less, the following procedures shall apply:

- 1.. Where the amount to be paid by the Town is \$5,000 or less, a purchase order, service request, check request, or check may be approved by the Mayor.
- 2.. Where the amount to be paid by the Town is greater than \$5,000 but \$30,000 or less, at least two (2) 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.

- 3.. For purposes of determining the amount to be paid, a single purchase, or what would commonly be considered a single purchase, shall not be subdivided into component parts to avoid the authorization limits set forth herein.
- B.. Approval of a contract for services or supplies by the Town includes authorization to make payment to the contractor or vendor in the amount of the original contract.
- C.. Change orders may be approved by the Mayor in the amounts indicated, provided the total contract price including the change order is within the original budget amount; provided, however, the Mayor 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 \$5,000 or less.

3.75.060 Formal Procurement (Over \$30,000)

Except as provided herein, whenever the total price of a contract for services or supplies is estimated to be greater than \$30,000, other than for professional services, 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 his or her designee shall develop the appropriate plans and/or specifications for each such acquisition or project.
- B.. The Mayor or his or her designee shall cause notice of the Invitation for Bids or Request 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 Town website and on the Utah Public Notice Website.
- C.. Bids or proposals shall be invited from vendors deemed to be appropriate and responsible.
- D.. 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 his or her appointee shall open and read aloud all bids in a manner open to the public, with bid amounts recorded.
- E.. If the estimated cost of a building improvement or public works project exceeds the bid limit as defined in Utah Code Ann. § 11-39-101 et seq., the Town shall request bids as required by Utah Code Ann. § 11-39-101 et seq. or its successor.
- F.. 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.
- G.. Approval of a contract for services or supplies includes authorization to make payment to the contractor or vendor in the amount of the original contract.

- H.. Change orders may be approved by the Mayor provided the total contract price, including change orders, is within the original budget amount; provided, however, the Mayor or his or her designee shall provide a full and complete accounting and description to the Council of any change orders that exceed \$5,000.
- I.. Notwithstanding the above, if the Mayor determines in writing, a copy of which shall be provided to the Council at the next regular Council meeting, that the competitive bidding method described above is either not practical or not advantageous to the Town, a contract may be entered into as provided in Utah Code Ann. § 63G-6a-101 et seq. (Utah Procurement Code).
- J.. Notwithstanding the above, the Mayor 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 for Bids; or (ii) purchase nonprofessional services, equipment, or supplies from the vendor who has submitted the lowest bid price for such items to another 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 in this Ordinance, without any solicitation, price quotation, Request for Proposals, or Invitation for Bids. For such purposes, the quoted price shall be deemed to be the lowest price available for such items.
- K.. Notwithstanding the above, the Mayor 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 can be procured from only one manufacturer or distributor; (iii) purchase services or supplies from vendors based on a continuation of services or supplies, provided that such continuation 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 Cooperation Act).

3.75.070 Professional Services

Professional services may be procured on a negotiated basis, based on demonstrated qualifications and at a fair and reasonable price. Selection may consider qualifications, experience, and suitability in addition to price. Procurement of professional services must be approved by the Mayor.

3.75.080 Emergency Purchases

In case of an actual emergency, the Mayor may purchase directly any supplies or services whose immediate procurement is essential to prevent any delays in the work of the using agency that may vitally affect the life, health, safety, or welfare of the public. The Mayor shall promptly provide the Council with a full written report of the circumstances of the emergency.

3.75.090 Bid Evaluation and Acceptance

- A.. The Town reserves the right to reject any and all bids. No bidder shall have any right, legal or equitable, or claim against the Town for any expense or cost incurred in the preparation or submission of a bid that is rejected, regardless of the reasons for rejection.
- B.. The Town expressly reserves the right to waive minor or slight irregularities in a bid which, in the judgment of the Mayor, are in the best interest of the Town. The decision of the Mayor on bid irregularities shall be final and conclusive and shall not create any right in bidders. Further, the Town reserves the right to amend, modify, or waive any provision in a Request for Proposals or Invitation for Bids.
- C.. Except as otherwise provided herein, supplies and services shall be obtained from the lowest responsible bidder. In determining the lowest responsible bidder, the Town may consider, in addition to price, any of the following:
 - 1.. The ability, capacity, and skill of the bidder to perform the service required;
 - 2.. Whether the bidder can perform the contract or provide the services promptly, or within the time specified, without delay or interference;
 - 3.. The character, integrity, reputation, judgment, experience, and efficiency of the bidder;
 - 4.. The quality and performance of previous services by the bidder;
 - 5.. Previous and existing compliance by the bidder with laws and ordinances relating to contractor services;
 - 6.. Sufficiency of the financial resources of the bidder to perform the contract or provide the services;
 - 7.. Quality, availability, and adaptability of the supplies or contractual services to the particular use required;
 - 8.. The ability of the bidder to provide future maintenance and service;
 - 9.. The number and scope of conditions attached to the bid or price quotation;
 - 10.. Such other factors as the Mayor shall determine, including inventory, mechanical expertise, and ease of maintenance; and
 - 11.. The value provided to the Town.

3.75.100 Protests

- A.. Persons aggrieved over an Invitation for Bids or a Request for Proposals may file a written protest with the Mayor.
- B.. A protest regarding specifications of an Invitation for Bids or Request for Proposals shall be submitted in writing prior to the opening of bids or proposals. All other protests shall be submitted in writing within five (5) working days after the aggrieved person knows or should have known of the Town's intent to award the bid or contract.
- C.. If a protest is received before the award, the Town shall not proceed further in its attempt to acquire the services, supplies, and equipment until the protest is resolved by the Mayor. The Mayor may, however, make a written determination that award of the contract without delay is necessary to protect the interests of the Town.
- D.. Protests must specifically state the facts which constitute error in the award and the desired remedy.
- E.. In the event the award is not given to the bidder submitting the lowest price, any bidder may submit a written protest to the Mayor within five (5) working days after the bidder knows or should have known of the Town's intent to award the bid or contract. In response, the Mayor shall prepare a complete statement of the reasons for placing the order elsewhere and shall file the statement with the other papers relating to the bid solicitation.
- F.. The Mayor, together with the Town Attorney, shall investigate the protest. After investigation, the Mayor shall report the results to the Council, and the Council shall make a decision on the protest.

3.75.110 Purchasing Cards

- A.. **Authorization.** The Mayor may authorize the issuance of purchasing cards to Town employees for official Town business when such use is determined to be efficient and in the best interest of the Town.
- B.. **Permitted Use.** Purchasing cards shall be used only for authorized Town purchases and shall not be used for personal expenses.
- C.. **Spending Limits.** Individual card limits and transaction limits shall be established administratively by the Mayor or Deputy Treasurer.
- D.. **Documentation.** Receipts or other supporting documentation shall be required for all purchases made with a purchasing card.
- E.. **Reconciliation.** Purchasing card statements shall be reviewed and reconciled monthly by the Deputy Treasurer or designee.
- F.. **Compliance.** Use of purchasing cards shall not be used to circumvent procurement thresholds or approval requirements established by this Ordinance.

G.. **Revocation.** The Mayor may suspend or revoke purchasing card privileges for misuse or failure to comply with Town procedures.

3.75.120 Blanket Purchase Orders

The Mayor is authorized to arrange with suppliers blanket purchase orders which shall authorize continuing charges against the Town. Such purchase orders shall be reviewed and renewed at least once each fiscal year. The Mayor shall, in advance of any transaction negotiated upon such blanket purchase order, notify the merchant or supplier of the specific Town employee authorized to take delivery and sign the purchase order. No billing against the Town shall be valid as applied against the purchase order unless the person taking delivery was authorized to do so and the supplier can provide the Town with a signature and printed name of that person.

3.75.130 Routine Expenditures

The Mayor is authorized to approve payments for routine expenditures such as utility bills, leases, and payroll related expenses, provided that such expenditures are referenced in the then approved budget, that the funds are available for such expenditures, and that sufficient documentation is provided concerning such expenditures. The Mayor is authorized to approve payments for supplies, materials and payments on Town-approved contracts, provided that such expenditures are referenced in the then approved budget, that the funds are available for such expenditures, and that sufficient documentation is provided concerning such expenditures.

3.75.140 Payment of payroll obligations.

The Mayor is authorized to approve payroll checks, if the checks are prepared in accordance with a salary schedule established by the Council.

3.75.150. Administrative regulations and policies.

The Mayor may prescribe administrative regulations and procedures, including property acquisition which are consistent with the provisions of this chapter and other written financial procedures approved by the Council.

3.75.160 Claims

- A. Whenever payment is requested from the Town that is not provided for by contract, purchase order, service request, check requisition or other requisition process described in these rules, the payment shall be processed as a claim under this provision.
- B. The Mayor shall review all claims for services, supplies and equipment.

C. The Mayor shall report the results of his review to the Council and the Council will make a decision with respect to the Town's payment of the claim

D. All claims for services, supplies and equipment must describe in detail the basis for the claim including the following: names, dates, services, supplies and equipment rendered, and to whom the services, supplies and equipment were furnished.

E. All claims must be presented to the Town within one year of the last date that the services, supplies and equipment subject to claim were rendered or provided. If the Mayor rejects a claim because it is not properly made out, the Town shall give written notice to the claimant or agent and allow a reasonable time for clarification or further itemization or substantiation. Further time allowed hereunder shall toll the one year limitations but not to exceed thirty (30) days from the date of the Town's written notice.

3.75.170 Prohibited Conduct and Sanctions

A. It is unlawful:

1. For any bidder or prospective bidder, or any Town employee or Town officer thereof, in restraint of freedom of competition or otherwise, by agreement with any other person, bidder, or prospective bidder, to bid a fixed price, or to "rotate" bidding practices among competitors;

2. For any person to offer or to give to any employee of the Town or any member of his immediate family, any gain, whether in the form of money, services, loan, travel, entertainment, hospitality, promise, or other form, under circumstances in which it could reasonably be intended to influence him or could reasonably be expected to influence him in his duties concerning the award of any contract or order of purchase, or for any Town employee to directly or indirectly solicit or directly or indirectly accept any such gift for such purpose;

3. For any Town employee or Town officer to disclose, in advance of the opening of the bids, the content of any bid invited through the formal competitive bidding procedure;

4. For any Town employee or Town officer to actively participate in the awarding of a contract from which he will directly benefit; and

5. For any Town employee or Town officer or other person to appropriate for personal or private use any item of public property.

B. Any Town employee or Town officer committing any of the foregoing acts may be discharged or suspended from employment, and the Town may seek additional appropriate legal redress.

C. At the discretion of the Council, the following contracts are voidable:

1. Contracts which result from a conflict of interest under this Chapter or other applicable law;

2. Contracts awarded to a person or firm that tried to influence the award of such contract by offering something of value to any Town officer or Town employee; and

3. Contracts awarded by a Town officer or Town employee circumventing the requirement of this Chapter or other applicable statute.

4. The Council hereby declares its intent that such contracts would not have been entered into on behalf of the Town if such misconduct had been discovered prior to the execution of the contract. In this regard, the Council further states that no Town officer or Town employee has authority, either actual, apparent or implied, to negotiate or execute any such contract and that such contract shall, at the discretion of the Council, be voidable, unless the action of the Town officers or Town employees in executing the contract is ratified by affirmative action of the Council after the misconduct was discovered and made known to the Council.

D. All persons or firms responsible for any misconduct prohibited by this section shall be liable to the Town for any losses incurred by the Town resulting from any contract awarded due to such misconduct