

ORDINANCE NO. 26-26

AN ORDINANCE AMENDING AND REPLACING CHAPTER 3-700 OF THE GARDEN CITY CODE RELATING TO PROCUREMENT

WHEREAS, the Town of Garden City desires to establish clear, fair, efficient, economical, and transparent procedures for the procurement of supplies, services, construction, and real property;

WHEREAS, the Town desires to establish reasonable purchasing thresholds that provide appropriate competition and accountability while avoiding unnecessary administrative burdens for routine purchases;

WHEREAS, the Town desires to encourage local businesses when permitted by applicable law and when doing so is in the best interests of the Town;

WHEREAS, the Town desires to establish appropriate procedures for the acquisition, sale, lease, exchange, and other disposition of real property;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF GARDEN CITY, UTAH, THAT GARDEN CITY MUNICIPAL CODE 3-700 BE REPLACED AS FOLLOWS:

CHAPTER 3-700 Procurement System

——— Chapters:

- 3-701 Procurement system
- 3-702 Compliance
- 3-703 Definitions
- 3-704 Procurement office
- 3-705 Budget limitation
- 3-706 Purchase orders
- 3-707 Classification of expenditures
- 3-708 Emergency procedures
- 3-709 Formal bidding procedure
- 3-710 Informal bidding procedure
- 3-711 Request for quotes procedures
- 3-712 Request for proposals (professional services)
- 3-713 Delivery
- 3-714 Petty Cash
- 3-715 Disposal of surplus
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~~3-701 – Procurement System.~~ There is hereby established a procurement system to provide procedures and guidelines for the procurement of supplies, services, and construction for the Town of Garden, hereinafter referred to as Town, and to ensure that all such purchases or encumbrances are made equitably, efficiently and economically.

~~3-702 – Compliance.~~ All expenditures of the Town shall conform to the provisions of this chapter and applicable provisions of state law including, but not limited to, the Uniform Fiscal Procedures Act set forth at Section 10-6-101, et seq., of the Utah Code Annotated, as amended. Any expenditure of the Town involving federal assistance funds shall comply with applicable federal law and regulations.

~~Any expenditure of the Town involving building improvements or public works projects shall comply with applicable provisions set forth at Section 11-39-101, et seq. of the Utah Code Annotated, as amended. Any expenditure of the Town involving the construction, maintenance or improvement project of a class B or C road or work excluded under Section 11-39-104 of the Utah Code Annotated, as amended, shall comply with applicable provisions of the State Transportation Code and the Transportation Ordinance of Garden City including, but not limited to, Sections 72-6-108 and 72-6-109, of the Utah Code Annotated, as amended. No check or warrant to cover any claim against appropriations shall be drawn unless the claim has been processed according to the relevant provisions provided herein.~~

~~This chapter is written to conform as much as possible with federal, state and Town statutes and ordinance. The extent a provision of this chapter conflicts with federal, state or local statutes or ordinances, the following rules shall apply:~~

- ~~_____ A. _____ Conflict with State or Federal Statutes or Regulations. If the provisions of this chapter are inconsistent with those of the state or federal government, the more restrictive provision shall control, to the extent permitted by law.~~
- ~~_____ B. _____ Conflict with Town Regulations or Ordinances. If the provisions of this chapter are inconsistent with one another or if they conflict with provisions found in other adopted ordinances, resolutions, or regulations of the Town, the more restrictive provision shall control.~~

~~3-703 – Definitions.~~ Used in this chapter, the following words shall mean:

- ~~_____ A. _____ Bidding. Responding to the Town’s invitation to bid with an offer to furnish supplies, services or construction pursuant to and in accordance with the terms and conditions set forth in this chapter.~~
- ~~_____ B. _____ Building Improvement. The construction, modification, or repair of a public building or structure.~~

- ~~———— C. ——— Business. Any corporation, partnership, limited liability company, individual, sole proprietorship, joint stock company, joint venture, or any other private legal entity.~~
- ~~———— D. ——— Construction. The process of building, renovation, alteration, improvement, or repair of any public building, structure, or public work; but does not include the routine operation, routine repair, or routine maintenance of existing structures, buildings or real property.~~
- ~~———— E. ——— Contract. Any agreement for the procurement of supplies, services, or construction. The Mayor is the only Town Official with authority to bind the Town; contracts without his/her signature are void and do not obligate the Town.~~
- ~~———— F. ——— Department Head. The individual who administers a department or his/her designee.~~
- ~~———— G. ——— Emergency Purchases. Purchases of supplies, material, equipment or services to mitigate a threat to public health, welfare or safety.~~
- ~~———— H. ——— Invitation for bids. All documents, whether attached or incorporated by reference, used for soliciting bids.~~
- ~~———— I. ——— Local Bidder. A business that 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 Town of Garden City.~~
- ~~———— J. ——— Performance Bond. A contract of guaranty executed subsequent to award by a successful bidder to protect the Town from loss due to the inability of the bidder to complete the contract as agreed.~~
- ~~———— K. ——— Person. Any business, individual, union, committee, club, other organization, or group of individuals.~~
- ~~———— L. ——— Procurement. Buying, purchasing, renting, leasing, leasing with option to purchase, or otherwise acquiring any supplies, services or construction, and all functions that pertain to obtaining any supplies, services or construction, including the solicitation of sources, selection, award, and all phases of contract administration.~~
- ~~———— M. ——— Procurement Officer. The Mayor or his/her designee authorized to perform the duties set forth in Section 3-704.~~
- ~~———— N. ——— Professional services. The furnishing of services for auditing, banking, insurance, engineering, legal, architectural, and other forms of professional consulting.~~

- ~~——— O. ——— Public Property. Any items of real or personal property owned, leased, or maintained by the Town.~~
- ~~——— P. ——— Public works project. Includes but is not limited to the construction of a park or recreational facility; or a pipeline, culvert, dam, canal, or other system for water sewage, storm water, or flood control; but does not include the replacement or repair of existing infrastructure on private property.~~
- ~~——— Q. ——— Purchase order. The official document used in committing Town funds toward the purchase of supplies, services, or construction.~~
- ~~——— R. ——— Request for proposals. Forms used by departments providing detailed information as to description of services needed or desired.~~
- ~~——— S. ——— Requisition. Request by any town employee to purchase supplies, services or construction.~~
- ~~——— T. ——— Responsible bid. A bid to furnish supplies, services or construction for the Town pursuant to and in accordance with the terms and conditions set forth in this chapter, which conforms in all material respects to the invitation for bids.~~
- ~~——— U. ——— Responsible bidder. A person who submits a responsible bid; who furnishes, when requested, sufficient information and data to prove his or her financial resources, production or service facilities, service reputation and experience are adequate to make satisfactory delivery of the supplies, services or construction on which he/she has bid; and who has not violated or attempted to violate any provisions of this chapter.~~
- ~~——— V. ——— Services. The furnishing of labor, time or effort by a contractor, not involving the delivery of a specific end product other than reports which are merely incidental to the required performance; but does not include employment agreements or collective bargaining agreements.~~
- ~~——— W. ——— Specification. Any description of the physical or functional characteristics, or of the nature of a supply, service or construction item. It may include a description of any requirement for inspecting, testing or preparing a supply, service, or construction item for delivery.~~
- ~~——— X. ——— Supplies. All property, including but not limited to equipment, materials, and printing; but does not include real property or any interest therein.~~
- ~~——— Y. ——— Written approval. By the Town Officials includes electronic approval of requisitions or purchase orders via the municipal software system or fax.~~

~~3-704 Procurement Officer.~~ The procurement officer shall be the Mayor, or his/her designee; and, when applicable, the Town Council and shall have the powers and duties as established in this chapter, including but not limited to:

- ~~—— A. —— Administer and maintain the procurement system provided herein, in accordance with any rules and regulations established by the Town/~~
- ~~—— B. —— Supervise the procurement of all supplies, services, and construction needed by the Town, including preparation of specifications and negotiation of contracts connected therewith;~~
- ~~—— C. —— Exercise general supervision and control over all inventories or supplies of the Town and the accounting for all such inventories or supplies;~~
- ~~—— D. —— Prepare and maintain forms and reports as are reasonably necessary to the operation of this chapter and other rules and regulations of the Town;~~
- ~~—— E. —— Keep informed of current developments in the field of procurement;~~
- ~~—— F. —— Recommend to the Town Council from time to time such new or revised procurement rules and regulations as are desirable and in conformance with other statutory requirements;~~
- ~~—— G. —— With respect to public improvements, work with the engineer, attorney and other professional persons retained by the Town to assist in the preparation of plans and specifications, and to discharge other related duties. The professional persons may direct bid openings, conduct investigations of lowest responsible bidders, supervise construction work and perform such other tasks as are provided for by their prospective contracts;~~
- ~~—— H. —— Seek to obtain as full and open competition on all purchases as possible;~~
- ~~—— I. —— Establish and maintain programs for the inspection, testing and acceptance of all supplies, services and construction to assure conformance with specifications;~~
- ~~—— J. —— Maintain a bidders list, vendors' catalog file and other records needed for the efficient operation of the procurement system.~~

~~3-705 Budget Limitation.~~ No expenditure or encumbrance shall be made for any supplies, services or construction for the Town in excess of total appropriations in the budget, as adopted or subsequently amended by the Town, without prior written approval from the Town administrator or the Town Council.

~~3-706 Purchase Orders.~~ Before any order shall be placed for the purchase of any supply, service or construction, a purchase order shall be executed if the purchase is for more than \$750 (seven hundred and fifty dollars). The department head must review all purchase orders and

determine whether the expenditure requested is for a town purpose, properly budgeted, and in compliance with town ordinances and state law. If the department head determines the expenditures requested complies with these requirements, he or she shall approve the purchase order and initiate the appropriate procedures set forth herein for procurement of the supply, service or construction.

3-707 Classification of Expenditures:

- _____ A. _____ Large Expenditures — Except as otherwise provided herein, any expenditure by the Town for supplies, services or construction of \$160,000.00 (One Hundred Sixty thousand dollars) or more to be paid out of the funds of the town shall be referred to as a “large expenditure” and shall be made pursuant to formal bidding set forth in Section 3-709. No large expenditures shall be made without written approval from the Mayor. Any expenditure of \$10,000.00 (ten thousand dollars) or more must be approved by the Town Council.
- _____ B. _____ Medium Expenditures — Except as otherwise provided herein, any expenditure by the Town for supplies, services or construction \$10,000.00 to \$159,999.99 shall be referred to as a “medium expenditure” and shall be made pursuant to the formal bidding procedures set forth in Section 3-709 or the informal bidding procedures set forth in Section 3-710.
- _____ C. _____ Small Expenditures — Except as otherwise provided herein, any expenditure by the Town for supplies, services or construction for less than \$10,000.00 (ten thousand dollars) shall be referred to as a “small expenditure” and shall be made pursuant to the formal bidding procedures set forth in Section 3-709, or the request for quotes procedures set forth in Section 3-710.
- _____ D. _____ Exempt Expenditures — The following expenditures of the Town shall be referred to as “exempt expenditure” and may be made without formal or informal bidding procedures, but should be made with as much competition as practicable under the circumstances. Except where noted, the procurement officer shall determine that an expenditure falls within one of these exemptions. All exempt expenditures shall be reviewed by the Town Council on at least a monthly basis.

 - _____ 1. _____ Minor — Any expenditure amounting to less than \$5,000.00 (five thousand dollars);
 - _____ 2. _____ Sole Source — Any expenditure for goods or services which are clearly by their nature not reasonably adapted to award by competitive bidding. These expenditures include, but are not limited to; goods or services which can only be purchased from a sole source, contracts for additions to and repair and maintenance of equipment already owned by the Town which may be more efficiently added to, repaired or maintained by a certain

person or firm, and equipment which, by reason of the training of the personnel or an inventory of replacement parts, is compatible with the existing equipment owned by the Town. Sole source procurement must be approved in writing by the Town Administrator.

- ~~3. Emergency See Section 3-708 for procedures to follow.~~
- ~~4. State Bidding Any expenditure for which competitive bidding or price negotiation has already occurred on the state level.~~
- ~~5. Interlocal Cooperation Any expenditure made in conjunction with an agreement approved by resolution of the Town Council between the Town and another town or government entity.~~
- ~~6. Professional Services Any expenditure for professional services which by their nature are not reasonably adapted to award by competitive bidding. Such expenditures shall be awarded at the discretion of the Mayor based on the recommendation of the Department Head and following the "request for proposals" procedures set forth in Section 3-712.~~
- ~~7. Special Sale Any expenditure made in conjunction with any public auction, closeout sale, bankruptcy sale or other similar sale when the procurement officer determines in writing that such purchase may be made at a cost below the market cost for the same or similar goods and such determination is reviewed and approved by the Town Council.~~
- ~~8. Exchanges Any exchange of supplies, materials, property, or equipment between the Town and other public or private party made by mutual agreement of the respective parties.~~
- ~~9. Utah Correctional Industries Supplies, services or construction produced by Utah Correctional Industries may be purchased without seeking competitive quotes or bids.~~

Adopted 11th day of October, 2012

3-708 Emergency Procedures:

- ~~A. When the Mayor makes a determination of "local emergency" under the provisions of Section 63-5a-6 of the Utah Code Annotated, the provisions of this chapter are suspended for a period not to exceed thirty days. Emergency purchases shall be made in accordance with Section 63-56-24 of the Utah Code Annotated and with subsection (B) of this section.~~

~~———— B. ——— Notwithstanding any other provision of this chapter, when there exists a threat to public health, welfare, or safety, the Mayor may make or authorize others to make emergency purchases; provided, that emergency purchases shall be made with as much competition as practicable under the circumstances. A written determination of the basis for the emergency purchase and for the selection of the particular contractor or vendor shall be included in the contract or purchase order file.~~

~~3-709 — Formal Bidding Procedure. Except as otherwise provided herein, all large expenditures shall be made by written contract between the Town and the lowest responsible bidder according to the following procedure:~~

~~———— A. ——— Specifications — Specifications shall be prepared by or under direction of the Mayor his/her designee, or department head.~~

~~———— B. ——— Invitation for Bids — An invitation for bids shall be prepared by or under the direction of the Mayor or designee. The invitation shall:~~

~~———— 1. ——— Describe the goods or services to be purchased or work to be performed;~~

~~———— 2. ——— Set forth all contract terms, conditions and bond requirements applicable to the purchase or work;~~

~~———— a. ——— Set forth the criteria that will be used to evaluate the bid;~~

~~———— b. ——— State where plans, specifications and other information may be obtained;~~

~~———— c. ——— State the time and place of the bid opening; and~~

~~———— d. ——— Reserve to the Town the right to reject any and all bids for any reason without liability.~~

~~———— C. ——— Notice — The invitation for bids shall be published in a newspaper of general circulation within the Town limits at least ten days prior to the opening of bids.~~

~~———— D. ——— Amending Invitation — The invitation to bid may be amended, supplemented, or canceled at any time prior to the opening of bids when the procurement officer determines that such action is in the best interest of the Town. The reasons for the amendment or cancellation of the invitation shall be in writing and shall be made a part of the Town's records.~~

- ~~_____ E. _____ Sealed Bids — All bids shall be received by the Town in sealed envelopes labeled “Bid for item” which shall not be opened prior to the time set for opening of the bids, except as provided in subsection (F) of this section.~~
- ~~_____ F. _____ Correction of Bids — The procurement officer shall permit correction or withdrawal of inadvertently erroneous bids in appropriate circumstances; provided, that no changes in bid prices or other provisions of bids which are prejudicial to the interest of the Town or fair competition shall be permitted. Any decision to permit the correction or withdrawal of bids shall be supported by a written determination prepared by the procurement officer.~~
- ~~_____ G. _____ Opening Bids — The bids shall be opened publicly by the Town Recorder and the department head in the presence of one or more witnesses at the time and place designated in the invitation of bids.~~
- ~~_____ H. _____ Recording Bids — The amount of each bid and the name of the bidder shall be read aloud as the bids are opened, and such information shall be recorded and open to the public inspection during regular business hours for a period of not less than thirty days after the bid opening.~~
- ~~_____ I. _____ Evaluating Bids — The bids shall be evaluated within a reasonable time by the department head to determine the lowest responsible bidder based upon the following objectively measurable criteria as set forth in the invitation for bids:~~
- ~~_____ 1. _____ Price — The total price of the bid.~~
 - ~~_____ 2. _____ Quality — The overall quality of the goods or work to be provided and/or the ability, capacity and skill of the bidder to provide any services or work required.~~
 - ~~_____ 3. _____ Conditions — The number and scope of any conditions or qualifications set forth in the bid.~~
 - ~~_____ 4. _____ Time — The time limit within which the bidder shall provide the goods, services or work.~~
 - ~~_____ 5. _____ Reputation — The character, integrity, reputation, judgment, experience and efficiency of the bidder and the quality of previous goods, services or work obtained from the bidder.~~
 - ~~_____ 6. _____ Compliance — The previous and existing compliance by the bidder with laws and ordinances relating to the goods, services or work.~~

- ~~7. Financial Resources The sufficiency of the financial resources and ability of the bidder to provide the goods, services, or work.~~
- ~~8. Future Services The sufficiency of the financial resources and ability of the bidder to provide the goods, services, or work.~~
- ~~9. Local Bidder When possible, preference shall be given to local bidders.~~
- ~~J. Determination The department head shall determine the lowest responsible bidder. All information relating to the selection of the lowest responsible bidder shall be retained by the Town in accordance with the Town Government Records Access and Management Ordinance.~~
- ~~K. Cancellation and Rejection of Bids The Town reserves the right to cancel an invitation for bids or to reject any or all bids for any reason. Such cancellation or rejection shall be in writing and shall be made part of the Town's records.~~

~~In the event all bids are rejected and the Town determines to make the improvement or purchase, it shall advertise anew as provided herein. If, after twice advertising, no satisfactory bid is received, the Town Council may proceed to negotiate or make the improvement or acquisition or enter such other agreements as it deems necessary or desirable.~~

- ~~L. Tie Bids If two or more bids received are for the same total amount or unit price, quality and service being equal, and if the public interest will not permit the delay of re-advertising for bids, the procurement officer shall negotiate with the tie bidders after the time of the bid opening until such time as the lowest responsible bid is obtained.~~
- ~~M. Single Bid In the event only one bid is received, the bidder may be required to furnish a detailed cost proposal for review and the bid award may be subject to subsequent negotiation.~~
- ~~N. Bond Bid performance and/or payment bonds may be required in conjunction with any bid or contract entered hereunder in such form and amounts as required by law and by the Town Council as reasonably necessary to protect the best interest of the Town.~~
- ~~O. Responsibility of Bidder The department head may request additional information with respect to the responsibility of a bidder. The failure of a bidder to promptly supply information in connection with a request of the department head regarding responsibility shall be grounds for a determination of non-responsibility and/or non-responsiveness of the bidder.~~

~~3-710—Informal Bidding Procedure.~~ Except as otherwise provided herein, all medium expenditures of the Town shall be awarded to the lowest responsible bidder according to the formal bidding procedure set forth above or according to the following procedure:

- ~~——— A. —— Invitation for Bids — The department head shall invite bids from at least three potential, responsible providers of the supplies, services or construction needed or desired. Such invitations and bids must be made in writing, including fax or electronic means, and shall be made without favoritism or bias. A record of all invitations and bids made hereunder shall be kept by the department head.~~
- ~~——— B. —— Evaluation — The Mayor or designee shall evaluate the bids to determine the lowest responsible bidder based upon the criteria set forth in Section 3-709 I. A public bid opening is not required.~~
- ~~——— C. —— Determination — The Mayor or designee shall determine the lowest responsible bidder and award a written contract to such bidder. If only one bid is received, the bidder may be required to furnish a detailed cost proposal for review and the bid award may be subject to subsequent negotiation. All information relating to the bids obtained and the selection of the lowest responsible bidder shall be retained by the Town in accordance with the Town Government Records Access and Management Ordinance.~~

~~3-711—Request for Quotes Procedures.~~ Except as otherwise provided herein, all small expenditures of the Town shall be awarded to the lowest responsible bidder according to the formal bidding procedure in Section 3-709, the informal bidding procedure in Section 3-710, or according to the following procedure:

- ~~——— A. —— Request for Quotes — The department head shall request quotes from at least three potential responsible providers of the supplies, services or construction needed or desired. Such requests and quotes may be made in writing or orally, including by telephone, and shall be made without favoritism or bias. A record of all requests for quotes made hereunder shall be kept by the department head.~~
- ~~——— B. —— Evaluation — The Mayor or designee shall evaluate the quotes to determine the lowest responsible bidder based upon the criteria set forth in Section 3-709 I. A public bid opening is not required.~~
- ~~——— C. —— Determination — The department head shall determine the lowest responsible bidder and award the contract to such bidder. If only one quote is received, the bidder may be required to furnish a detailed cost proposal for review and the bid award may be subject to subsequent negotiation. All information relating to the quotes obtained and the selection of the lowest responsible bidder shall be retained by the Town in accordance with the Town Government Records Access and Management Ordinance.~~

~~3-712 Request for Proposals (Professional Services).~~ Professional services shall be awarded to the lowest responsible bidder according to the following procedures: The department head shall request proposals from at least three potential, responsible providers of the professional services needed or desired. For large and medium expenditures, the request for proposals and the proposal shall be in writing, including fax or electronic means. For small expenditures, the request for proposals and the proposals may be made in writing or orally, including by telephone, and shall be made without favoritism or bias. A record of all requests for proposals made hereunder shall be kept by the department head.

~~_____ A. Request for Proposals—A request for proposals shall be prepared by or under the direction of the department head. The request for proposal shall:~~

~~_____ 1. Describe the professional services to be performed;~~

~~_____ 2. Set forth the criteria that will be used to evaluate the proposal;~~

~~_____ 3. State where additional information may be obtained; and~~

~~_____ 4. Reserve to the Town the absolute right to reject any and all proposals for any reason the Town shall determine.~~

~~_____ B. Notice—For large expenditures, the request for proposals shall be published once in a newspaper of general circulation within the Town limits at least ten days prior to the date proposals are due.~~

~~_____ C. Amending Proposal—The request for proposal may be amended, supplemented, or canceled at any time prior to the specified due date when the procurement officer determines that such action is in the best interest of the Town. The reasons for the amendment or cancellation of the proposal shall be in writing and shall be made in part of the Town's records.~~

~~_____ D. Opening Proposals—The proposals shall be opened by the department head as soon as possible after the specified due date. A public opening is not required.~~

~~_____ E. Recording Proposals—The amount of each proposal and the name of the bidder shall be recorded and open to the public inspection during regular business hours for a period of not less than thirty days after the proposals are opened.~~

~~_____ F. Evaluating Proposals—The proposals shall be evaluated within a reasonable time by the department head to determine the lowest responsible bidder based upon the following objectively measurable criteria as set forth in the request for proposals:~~

~~_____ 1. Price—The total price of the proposal.~~

- ~~2. Time The time limit within which the bidder can provide the services.~~
- ~~3. References The character, integrity, reputation, judgment, experience and efficiency of the bidder and the quality of previous services received from the bidder.~~
- ~~4. Other Any other measurable criteria as set forth in the request for proposals.~~
- ~~G. Determination The department head shall determine the lowest responsible bidder and award the contract to such bidder. If only one quote is received, the bidder may be required to furnish a detailed cost proposal for review and the bid award may be subject to subsequent negotiation. All information relating to the proposals obtained and the selection of the lowest responsible bidder shall be retained by the Town in accordance with the Town Government Records Access and Management Ordinance. All contracts of \$25,000.00 (twenty five thousand dollars) or more (large expenditures) must be approved in writing by the Town Administrator.~~

~~3-713 Delivery. When supplies ordered are delivered, the department head shall inspect the supplies received to assure that the correct quantity and quality have been delivered. If in the sole discretion of the department head the supplies delivered are satisfactory, the supplies shall be accepted and a copy of the packing slip, invoice, or other delivery document shall be stapled to the request for payment and forwarded to the appropriate employee for review, payment and filing.~~

~~3-714 Petty Cash.~~

- ~~A. Petty Cash Fund The Town shall maintain a petty cash fund. The total aggregate amount of cash, vouchers and receipts shall not exceed \$500.00 (five hundred dollars), which shall be kept in a locked box. The Petty Cash Custodian, appointed by the Mayor, shall maintain a balance of \$100.00 (one hundred dollars).~~
- ~~B. Limits Any employee of the Town may receive up to fifty dollars from the petty cash fund for any lawful and necessary expenditure to be made on behalf of the Town. Employees shall not receive any money from the petty cash fund for personal use.~~
- ~~C. Procedure Any employee receiving money from the petty cash fund shall sign a petty cash voucher showing the amount received and an explanation of the intended use of the money. Within two business days after making the expenditure, the employee shall return any excess money to the petty cash fund and staple the receipt for the expenditure to the petty cash voucher.~~

~~———— D. ——— Replenishing Fund — When money in any petty cash fund becomes less than one hundred dollars, the custodian shall request a check to the petty cash fund to increase the amount of currency in the fund to the amount specified above.~~

~~3-715 — Disposal of surplus. The Town shall have the authority to sell, lease, convey and dispose of public property for the benefit of the Town as provided by Section 10-8-2 of the Utah Code Annotated, as amended. All disposal, leases, or subleases of such public property shall be made, as nearly as possible, under the same conditions and limitations as required by this chapter for the purchase of property including notice and bidding procedures.~~

~~The Town Council may also authorize at its discretion and under such terms and conditions as it may deem desirable, fair, and appropriate considering intended use, property tax value, and the interests of the Town, the sale of any surplus property at public auction; the trade or exchange of any surplus property; and the lease or sublease of any surplus property.~~

~~3-716 — Ethics.~~

~~———— A. ——— Conflicts of Interests — Any officer or employee of the Town with a direct or indirect pecuniary interest in any contract entered into by the Town must disclose such conflict of interest to the Town administrator. All officers and employees are required to comply with applicable provisions of state law regarding ethics including, but not limited to, the Utah Municipal Officers' and Employees' Ethics Act set forth at Section 10-3-1301, et seq., of the Utah Code Annotated, as amended and adopted by the Town.~~

- ~~———— B. ——— Collusion — Any agreement or collusion among bidders or prospective bidders to bid a fixed price or to otherwise restrain competition shall render the bids of such bidders void.~~
- ~~———— C. ——— Personal Use — Any purchase of supplies or equipment by the Town for the personal use of any officer or employee of the Town is prohibited.~~
- ~~———— D. ——— Advance Disclosures. — Any disclosure in advance of the opening of bids, whether in response to advertising or any informal request for bids, made or permitted by a member of the Town Council or Town employee shall render void the advertisement or request for bids.~~
- ~~———— E. ——— No employee, officer, elected officials or Board Members shall knowingly receive, accept, take, seek or solicit, directly or indirectly, any gift or loan for himself/herself or for another person, except under the following circumstances:~~
 - ~~———— 1. ——— An occasional non-pecuniary gift having a value of less than twenty-five dollars;~~
 - ~~———— 2. ——— An award publicly presented;~~
 - ~~———— 3. ——— Any bona fide loan made in the ordinary course of business; or~~
 - ~~———— 4. ——— Political campaign contributions actually used in a political campaign.~~
- ~~———— F. ——— Any person acting as a procurement officer for the Town or who in any official capacity participates in the procurement of supplies, services, construction or real property, is guilty of a felony offense if the person asks, receives or offers to receive any emolument, gratuity, contribution, loan or reward, or any promise thereof, from any person interested in the sale of such supplies, services, construction or real property, either for the person's own use or the use or benefit of any other person or organization.~~
- ~~———— G. ——— A person who is interested in any way in the sale of any supplies, services, construction or real property is guilty of a felony if the person gives or offers to give any emolument, gratuity, contribution, loan or reward, or any promise thereof to any person acting as a procurement officer, or who in any official capacity participates in the procurement of such supplies, services, construction, or real property, whether it is given for his/her own use or for the use or benefit of any other person or organization.~~
- ~~———— H. ——— Violation — Any violation of this section by an officer or employee of the Town shall be cause for disciplinary action, up to and including termination, in accordance with the disciplinary procedures of the Town, and/or criminal charges.~~

~~3-717—Records.~~ All procurement records of the Town shall be retained and disposed of in accordance with the Town's Government Records Access and Management Ordinance.

~~3-718—Appeals.~~

- ~~——— A. ——— Appeal — Any person aggrieved of a determination of the Town or in connection with the provisions of this chapter may appeal the determination or action within ten working days after the aggrieved person knows or should have known of the facts giving rise thereto by filing a written protest and the reasons therefore with the Mayor. A protest with respect to an invitation for bids shall be submitted in writing prior to the opening of bids unless the aggrieved person did not know or could not have reasonably known of the facts giving rise to the protest prior to bid opening. Any protest shall list the pertinent facts giving rise to the protest.~~
- ~~——— B. ——— Action by Town — In the event of a timely protest, the Town shall not proceed further with the solicitation or with the award of the contract or purchase order until the protest is sustained or rejected by the Mayor. Untimely protests will not be considered.~~
- ~~——— C. ——— Decision — The Mayor shall within fifteen days of receipt of the written protest issue a written decision regarding any protest stating the reasons for the decision and informing the protestor of any rights to judicial review as provided by law. A copy of the decision shall be provided to all parties.~~
- ~~——— D. ——— Settlement — The Town Council shall have the authority, prior to the commencement of an action in court concerning the controversy, to settle and resolve the protest.~~

CHAPTER 3-700

PROCUREMENT SYSTEM

3-701. Purpose and Applicability.

This Chapter establishes procedures for the procurement and disposition of supplies, services, construction, and real property by the Town of Garden City.

All Town expenditures and financial commitments shall comply with this Chapter, applicable Town ordinances and policies, and applicable federal and Utah law.

Nothing in this Chapter shall be construed to authorize a procurement method or procedure that is prohibited by applicable federal or Utah law.

3-702. Definitions.

For purposes of this Chapter:

- A. Department Head means the person responsible for administering a Town department or the person's authorized designee.
- B. Procurement Officer means the Mayor or the Mayor's written designee.
- C. Professional Services means specialized services including legal, engineering, architectural, auditing, financial, insurance, planning, and similar consulting services.
- D. Responsible Bidder or Provider means a person or business that possesses the qualifications, experience, financial ability, reputation, and capacity necessary to satisfactorily perform the work or provide the goods or services.
- E. Procurement means the purchase, lease, rental, or other acquisition of supplies, services, construction, or real property by the Town.
- F. Supplies means equipment, materials, printing, and other personal property purchased by the Town.
- G. Real Property means land and improvements permanently attached to land, including buildings, structures, easements, rights-of-way, and other interests in real estate.

3-703. Procurement Officer and Purchasing Authority.

- A. The Mayor shall serve as the Procurement Officer unless the Mayor designates another person.
- B. The Procurement Officer shall administer the Town's procurement system, promote competition, maintain appropriate procurement records, and establish reasonable administrative procedures.
- C. Department Heads may initiate purchases and procurements within their assigned responsibilities, subject to this Chapter, the approved budget, and applicable Town policies.
- D. The Mayor shall have authority to execute contracts on behalf of the Town unless another person has been specifically authorized by law or by action of the Town Council.
- E. Town Council approval is required for expenditures of \$10,000 or more, unless otherwise provided by law or Town Council action.
- F. All acquisitions, sales, leases, exchanges, or other dispositions of real property require Town Council approval unless otherwise specifically authorized by law or prior Town Council action.

3-704. Budget Requirements.

No Town expenditure or financial commitment shall exceed the amount appropriated in the Town's budget unless the expenditure is authorized through a lawful budget amendment or other procedure permitted by law.

3-705. Procurement Thresholds.

Except as otherwise provided in this Chapter or required by law, purchases **by the Garden City Public Works Department** of supplies, services, and construction shall be made according to the following thresholds:

<u>Amount</u>	<u>Procurement Requirement</u>
Tier 1: Less than \$10,000	No formal bidding required. Competitive pricing should be sought when practical.
Tier 2: \$10,001 to less than \$20,000	Obtain at least three quotes when reasonably practicable.
Tier 3: \$20,001 to less than \$160,000	Informal or formal competitive procurement.
Tier 4: \$160,000 or more	Formal competitive bidding, unless an exception applies.

Purchases **by all other Garden City Departments** of supplies, services, and construction shall be made according to the following thresholds:

<u>Amount</u>	<u>Procurement Requirement</u>
Tier 1: Less than \$5,000	No formal bidding required. Competitive pricing should be sought when practical.
Tier 2: \$5,000 to less than \$10,000	Obtain at least three quotes when reasonably practicable.
Tier 3: \$10,000 to less than \$160,000	Informal or formal competitive procurement.
Tier 4: \$160,000 or more	Formal competitive bidding, unless an exception applies.

- A. The Town may use a more competitive procurement process than required by this Section when the Procurement Officer determines that doing so is in the Town's best interest.
- B. When three vendors or providers cannot reasonably be identified or obtained, the procurement may proceed with fewer than three responses.
- C. A procurement shall not be divided into smaller transactions for the purpose of avoiding the requirements of this Chapter.
- D. The thresholds in this Section apply to supplies, services, and construction and do not automatically apply to real-property transactions, which shall be governed by Section 3-706 and applicable law.

3-706. Real Property.

- A. Acquisition. The Town may acquire real property through purchase, donation, dedication, exchange, easement, lease, or other lawful means.
- B. Acquisition of real property shall be approved by the Town Council before the Town becomes legally obligated to complete the transaction unless otherwise authorized by law or prior Town Council action.
- C. The Town may obtain an appraisal, market analysis, inspection, title report, survey, environmental review, or other professional evaluation when the Town determines such information is necessary or appropriate.
- D. The Town may negotiate directly with a property owner or other party for the acquisition of real property when permitted by law and when the Town determines that negotiation is in the best interests of the Town.
- E. Disposition. The Town may sell, lease, exchange, convey, or otherwise dispose of Town-owned real property in accordance with applicable Utah law and this Chapter.
- F. Before disposing of real property, the Town shall comply with all applicable statutory notice, posting, public-meeting, approval, valuation, and other requirements.
- G. For a significant parcel of public property, the Town shall comply with applicable Utah law concerning public notice and approval, including any required publication, physical posting, public meeting, and disclosure of the proposed transaction.
- H. Unless otherwise required by law, the Town Council may determine the appropriate method and terms of disposition based upon the property's value, intended use, market conditions, public benefit, and the best interests of the Town.
- I. The Town may use public auction, competitive offers, negotiated sale, lease, exchange, or another lawful method of disposition as determined appropriate by the Town Council.
- J. Nothing in this Section limits any additional requirements imposed by Utah law for a particular type of real-property transaction.

3-707. Local Bidder Preference.

- A. To the extent permitted by applicable federal and Utah law, the Town reserves the right to give a preference to a qualified local bidder or provider and to award a contract to a qualified local bidder or provider whose bid or proposal is not the lowest, when the Town determines that doing so is in the best interests of the Town.
- B. For purposes of this Section, a local bidder or provider is a business that:
 - 1. Maintains a regular place of business and transacts business in Garden City;
 - 2. Maintains inventory for sale in Garden City; or
 - 3. Is licensed by or pays applicable business taxes to the Town.

C. In determining whether to apply a local preference, the Town may consider the total value to the Town, including:

1. Price;
2. Quality;
3. Service;
4. Responsiveness;
5. Availability;
6. Delivery or completion time;
7. Familiarity with local conditions;
8. Past performance; and
9. Other criteria stated in the solicitation.

D. Any local preference that may affect the award of a competitive procurement shall be disclosed in the applicable invitation for bids, request for quotes, or request for proposals.

E. A local preference shall not be applied when prohibited by federal law, Utah law, grant requirements, or other applicable legal requirements.

F. A local preference shall not eliminate the requirement that the selected bidder or provider be responsible and capable of satisfactorily performing the contract.

3-708. Minor and Small Purchases.

A. Tier 1 purchases. Formal or informal bidding is not required. The Town should seek competitive pricing when reasonably practical and shall maintain sufficient documentation to demonstrate the nature and purpose of the expenditure.

B. Tier 2 purchases. The Department Head shall, when reasonably practicable, obtain at least three quotes from responsible providers.

C. Quotes may be obtained in writing, electronically, or orally, including by telephone.

D. The Department Head shall document the vendors contacted, quotes received, and the basis for selecting the provider.

E. The Town may select the responsible provider offering the lowest price or best overall value, as appropriate to the procurement and any stated evaluation criteria.

3-709. Medium Purchases.

A. Tier 3 purchases shall use informal or formal competitive procurement, as determined by the Procurement Officer based upon the nature, complexity, risk, and value of the purchase.

B. Informal procurement should generally include written bids or proposals from at least three responsible providers when reasonably practicable.

- C. A public bid opening is not required for informal procurement.
- D. The Town shall document the solicitation, responses received, evaluation, and award.
- E. The contract shall be awarded to the responsible bidder or provider offering the lowest price or best overall value, as applicable to the procurement and the criteria stated in the solicitation.
- F. The local bidder preference established in Section 3-707 may be applied when applicable.

3-710. Large Purchases and Formal Bidding.

- A. Tier 4 purchases or more shall generally be made through formal competitive bidding unless an exception under this Chapter or applicable law applies.
- B. Formal bidding shall include, as applicable:
 - 1. Written specifications;
 - 2. A written invitation for bids;
 - 3. Public notice as required by law;
 - 4. Sealed bids when required;
 - 5. A public bid opening when required;
 - 6. Evaluation using objective criteria stated in the solicitation; and
 - 7. A written award or determination.
- C. The Town may reject any or all bids when permitted by law and when doing so is in the best interest of the Town.
- D. If only one responsive bid is received, the Town may evaluate the bid, request additional information, and negotiate when permitted by law.
- E. Applicable bid, performance, payment, or other bonds shall be required when required by law or deemed necessary by the Town.
- F. The local bidder preference established in Section 3-707 may be applied when applicable.

3-711. Professional Services.

- A. Professional services may be procured through a Request for Proposals (RFP), Request for Qualifications (RFQ), or other lawful selection process when qualifications, experience, expertise, approach, availability, price, or other professional considerations are important to the selection.
- B. The Town should seek proposals or statements of qualifications from at least three qualified providers when reasonably practicable.
- C. A solicitation shall identify the services required and the criteria that will be used to evaluate proposals or qualifications.

D. Evaluation may consider:

1. Qualifications and experience;
2. References;
3. Proposed approach;
4. Availability and time of performance;
5. Price or proposed fee; and
6. Other criteria identified in the solicitation.

E. The Town is not required to select a professional-services provider solely on the basis of the lowest price when applicable law permits consideration of qualifications and other factors.

F. Professional-services contracts of \$20,000 or more require Town Council approval unless otherwise provided by law or Town Council action.

G. Design professional services shall be procured in accordance with any specific requirements of Utah law applicable to those services.

3-712. Exempt Purchases.

The following purchases may be made without the ordinary competitive bidding requirements when authorized and documented as appropriate:

- A. Emergency purchases;
- B. Sole-source purchases when only one reasonable source is available;
- C. Purchases for which competitive bidding has already occurred through the State or another authorized governmental entity;
- D. Purchases made pursuant to an interlocal agreement approved by the Town;
- E. Professional services when competitive bidding is not appropriate or is governed by a separate statutory procurement process;
- F. Purchases at public auctions, closeout sales, bankruptcy sales, or similar sales when the Town determines the purchase represents a reasonable value;
- G. Exchanges or trades of supplies, equipment, or property; and
- H. Purchases from Utah Correctional Industries when permitted by law.

Sole-source purchases shall be documented and approved by the Procurement Officer or Town Administrator, as designated by Town policy.

3-713. Emergency Purchases.

- A. When an emergency threatens public health, welfare, safety, property, or essential Town operations, the Mayor may authorize an emergency purchase without following the ordinary competitive procurement requirements.
- B. The Town shall obtain as much competition as reasonably practicable under the circumstances.

3-714. Delivery and Acceptance.

The Department Head or designated employee shall inspect delivered supplies, equipment, or materials to determine whether the quantity, quality, and specifications conform to the purchase or contract.

Documentation supporting delivery and acceptance shall be retained with the applicable financial records.

3-715. Petty Cash.

- A. The Town may maintain a petty cash fund as authorized by the Town Council.
- B. An employee may receive up to \$50 for a lawful and necessary Town expense.
- C. Petty cash shall not be used for personal expenses.
- D. Employees shall provide receipts and return unused funds within two business days after the expenditure.
- E. Petty cash shall be maintained securely and administered by a custodian designated by the Mayor.

3-716. Surplus Personal Property.

The Town may sell, lease, exchange, trade, or otherwise dispose of surplus personal property in accordance with applicable Utah law.

The Town Council may authorize public auctions, trades, exchanges, leases, or other methods of disposal when permitted by law and determined to be in the best interests of the Town.

3-717. Ethics and Conflicts of Interest.

- A. Town officers and employees shall comply with all applicable federal and Utah ethics and conflict-of-interest laws.
- B. An officer or employee with a financial interest in a Town procurement shall disclose the interest and shall not participate in the procurement when prohibited by law.
- C. Town property and funds shall not be used for personal purposes.
- D. Collusion among bidders to fix prices or restrain competition is prohibited.

E. Town officers, employees, elected officials, and board members shall not knowingly solicit or accept improper gifts, gratuities, loans, rewards, or other benefits from persons seeking Town business, except as permitted by law.

F. Improper disclosure of non-public procurement information is prohibited.

G. No procurement officer or other person participating in Town procurement shall solicit, accept, or agree to accept any improper payment, gratuity, reward, or other benefit in connection with a Town procurement.

H. Violations may result in disciplinary action, termination, referral to law enforcement, or other remedies authorized by law.

3-718. Records.

The Town shall maintain procurement and real-property transaction records in accordance with applicable law and the Town's records-retention and Government Records Access and Management Act (GRAMA) requirements.

Records shall be sufficient to document the procurement method, vendors contacted, responses received, required approvals, selection, contract, and payment, as applicable.

3-719. Appeals and Protests.

A. A person aggrieved by a procurement decision may submit a written protest to the Mayor within 10 working days after the person knew or reasonably should have known of the facts giving rise to the protest.

B. A protest concerning the terms of a solicitation should be submitted before the bid or proposal deadline unless the grounds for the protest were not reasonably known before that time.

C. The protest shall identify the procurement, state the facts supporting the protest, and identify the relief requested.

D. The Mayor shall issue a written decision within 15 days after receiving a timely protest, unless additional time is reasonably necessary and permitted by law.

E. The decision shall state the reasons for the determination and any applicable right to judicial review.

F. The Town Council may settle or resolve a procurement dispute before judicial proceedings are commenced when permitted by law.

3-720. Administrative Procedures.

The Mayor may establish administrative procedures, forms, and internal controls necessary to administer this Chapter, provided that such procedures are consistent with this Chapter, other Town ordinances, and applicable state and federal law.

3-721. Severability.

If any provision of this Chapter is determined to be invalid or unenforceable, the remaining provisions shall remain in effect to the extent permitted by law.

3-722. Repealer.

All ordinances, resolutions, policies, or portions thereof that are inconsistent with this Chapter are repealed to the extent of the inconsistency.

3-723. Effective Date.

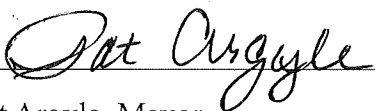
This Ordinance shall take effect upon passage, approval, and publication or posting as required by Utah law.

The Town Clerk is authorized and directed to codify this Ordinance of the Garden City Municipal Code and to make such nonsubstantive numbering, formatting, grammatical, and editorial changes as necessary for codification.

APPROVED AND ADOPTED by the Town Council of the Town of Garden City, Utah, this 8th day of October 2026.

APPROVED:

Attest:


Pat Argyle, Mayor


Cathie Rasmussen, Town Clerk

Voting:	Aye	Nye
Davis	☒	☐
Hansen	☒	☐
House	☒	☐
Larsen	☒	☐
Argyle	☐	☐



(only in a tie)

STATE OF UTAH)
)§
County of Rich)

I, Cathie Rasmussen, the duly appointed Clerk/Recorder of the Town of Garden City, Utah, do hereby certify that the attached and foregoing is a true and correct copy of Ordinance #26-26 passed by the Town Council of Garden City, on the 8th day of October 2026.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this 8th day of October 2026.

Cathie Rasmussen
Town Clerk

