

# **WORK MEETING**

**AGENDA  
AND  
STAFF MEMO**

**HEBER CITY CORPORATION**  
**75 North Main Street**  
**Heber City, Utah**  
**City Council Meeting**

**May 16, 2013**

**Budget Workshop 4:30 p.m.**  
**Work Meeting 6:00 p.m.**

**DISCUSSION ITEMS**

Discuss Budget Issues

**(Tab A)** Discuss City Logo Contest Results and Project

**(Tab B)** Discuss Local Bidder Incentive

Discuss Business License Study Update

FYI: Memorial Day Program at the Event Center, 7:00 a.m. Free Pancake  
Breakfast, 8:00 a.m. Program

**OTHER ITEMS AS NECESSARY**

Ordinance 2006-05 allows Heber City Council Members to participate in meetings via telecommunications media.

In accordance with the Americans with Disabilities Act, those needing special accommodations during this meeting or who are non-English speaking should contact Michelle Kellogg at the Heber City Offices (435) 654-0757 at least eight hours prior to the meeting.

Posted on May 9, 2013, in the Heber City Municipal Building located at 75 North Main, Wasatch County Building, Wasatch County Community Development Building, Wasatch County Library, on the Heber City Website at [www.ci.heber.ut.us](http://www.ci.heber.ut.us), and on the Utah Public Notice Website at <http://pnn.utah.gov>. Notice provided to the Wasatch Wave on May 9, 2013.

# Memo

To: Mayor and City Council  
From: Mark K. Anderson  
Date: 05/09/2013  
Re: City Council Agenda Items

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## WORK MEETING

**Discuss Budget Issues:** When the Tentative Budget was adopted there were several issues that the Council wanted to have additional discussion on. The topics the Council wanted to discuss are as follows:

**Contribution to the Heber Valley Railroad:** I expect the Council will discuss whether or not they wish to make a contribution to the railroad. At this point, there is \$2,900 in uncommitted City Council discretionary funds in the Tentative Budget.

**Social Hall Roof & Seismic Upgrade:** Staff is still waiting for the estimated cost of bringing the Social Hall up to current seismic standards. Based on the estimated cost of the roof replacement and conversations with Utah State Emergency Management personnel, staff would recommend that this project be delayed until applications for 75%/25% grant applications can be submitted. This may cause the City to forfeit some CLG grant funding (~\$5,000) that should be spent by August, but the potential to receive a larger grant appears to be a better option to consider.

**Debt Issuance – Public Safety Building:** The Council may want to discuss how they want to approach the construction of a new Public Safety Building. Is this a potential ballot issue, or an issue that the Council would like staff to move forward on to get an application before the Community Impact Board (CIB) to take advantage of extremely favorable lending terms? The Council should discuss what they hope to accomplish in the coming budget year on this project.

**Additional Administrative Staffing Needs:** The Council has asked that I bring forward a plan to help properly staff City Administration. In thinking about this issue and discussing the matter with staff, I would propose that we look to hire a Finance Director in about one year. A current staff member has indicated a desire to start a family and go part-time in 2014. This would be a good time to transition to a full-time Finance Director and relieve me of the day to day

supervision of the City Treasurer, Accounts Payable and General Ledger/Payroll. At this time, I don't see a need for a full-time person nor the funding for a new position. Based on the concerns expressed by the Council about adequate staffing, I would like to discuss what areas you feel the City is lacking in.

Acceptance of Credit Cards: Councilman Rowland has expressed a desire for the City to accept credit card payments online for more transactions. Currently the City only accepts online credit cards for utility bills and court fines which requires the City to pay approximately \$1,000 per month in credit card fees. To expand our capability to accept payments for other transactions, monies would need to be budgeted for programming our website/accounting database and to cover the additional fees that the City would incur to accept more credit card payments. The City has the right to impose a convenience fee on transactions, but they need to do it uniformly. I do not know what the cost of programming would be to allow business licenses, dog licenses, etc. to be renewed online. I would recommend against allowing building permits to be paid by credit card unless a convenience fee is imposed.

Other: Below are Work Meeting agenda items on the City Logo and Business Licensing. It would make sense for the Council to discuss these issues as they relate to the budget.

Also, if I get any new noteworthy information on other issues, I will bring them forward. If the Council has any items that they would like discussed, please let me know so I can come prepared to discuss the financial impact.

**Discuss City Logo Contest Results and Project (Tab A):** Councilman Rowland, Ryan Starks and Tony Kohler met this week to review the logos that were submitted for consideration by the City. Enclosed is a memo from Tony Kohler which identifies their selection of the four best logos that were submitted. The contest rules indicated that the City would do the following:

*Heber City Council will judge all entries and may choose a finalist design to submit to the City's graphic design team for refinement. The City Council may choose not to use any contest submissions and retain the current logo, but if a final logo idea/theme is chosen and adopted by the City, the winner, will receive a \$250 cash prize and recognition as a creative partner in any new logo reveal publications. If a logo / theme submitted by a City Employee is chosen and adopted by the City, the \$250 cash prize will be contributed to a local charity of the employee's choice. A 'charity' is defined as a non-profit charitable organization designated by the U.S. Internal Revenue Code 501(c).*

Based on the recommendation of the Committee, the Council should decide the following:

- Does the Council want to select any of the logos or logo components for the new City logo?
- If no logo or logo component is selected, does the Council wish to award the \$250 cash prize?

- Does the Council want to create a new logo for the City?
- If so, what funds do they want to allocate to a rebranding effort?

**Discuss Local Bidder Incentive (Tab B):** At the last City Council meeting this matter was continued. After Council discussion, I agreed to reach out to other cities to see what similar policies existed. As a result, I posed the following question to other City Managers/Administrators and have summarized the responses in the enclosed document:

*Do any of your Cities have policies that grant preference to local vendors in your purchasing policy? (e.g. the right to award a bid if it is within 5% of the lowest responsible bidder) If so, please forward me a copy of your policy/ordinance. Also, if your City has explored this issue and determined that it is problematic from a legal standpoint, I would appreciate your feedback as well.*

From the summarized responses you will see the following practices:

- The practice appears to be legal
- Local vendors are allowed to match low bids
- Local vendors are given preference if their cost is within 5% - 10% of the a non-local vendor
- Some cities have shied away from the practice for fear that surrounding communities may institute similar policies that may ultimately hurt local vendors
- Some have struggled with the concept of benefitting the few at the cost of many
- Some have policies that are in place but they are not frequently used

I have also enclosed a copy of the memo that was provided by Mark Smedley on this issue at the last meeting. If the Council wants to implement a policy that gives preference to local vendors, I would suggest that the following be addressed:

- Define "local", who would be granted preference
- Determine if the policy would allow local vendors to match bids that are within a defined percentage (e.g. 5% - 10%) or if the City would accept bids (and pay a higher amount) from locals that are within the approved percentage
- Include language that "preference shall be given to local vendors unless such preference is prohibited by federal law or by the terms of a federal grant or loan, the proceeds of which are used to fund the public work or procurement of supplies and services"
- Determine who has the authority to award purchases using local vendor preference
- Discuss potential limits on the amount of cost increase the City would incur on any one purchase/contract

The Council should discuss the issue to see how they want to proceed.

**Discuss Business License Study Update:** At the last meeting, Councilman Rowland brought this issue up. I have spoken with Susie Becker with the Zions Bank Public Finance consulting group and she indicates that a study would cost around \$7,500 to evaluate our current costs of

business licensing and any disproportionate law enforcement services that the business community demands. She indicated that an additional study to look at licensing all rental properties would cost an additional \$2,000 if the City was interested in requiring all rental properties to be licensed. Some communities have required rental properties to be licensed because rental properties have a tendency to place higher demands on law enforcement services. Please note the amounts are not firm quotes. I expect that this issue will be discussed in the budget workshop. Staff believes it is time to update our current study to determine what fees are appropriate and if there are more equitable methods to assess business license fees.

**FYI: Memorial Day Program at the Event Center, 7:00 a.m. Free Pancake Breakfast,**

**8:00 a.m. Program:** This is a reminder of this event that will be held on Memorial Day. In speaking with Pam Patrick earlier this week, she indicated that she will need to rent a sound system for this event because the County's system is not adequate. She estimates the cost of the sound system rental to be \$700 plus she expects to buy some food items that may cost a couple of hundred dollars. The Council has indicated that they are willing to provide up to \$1,000 to support this event.

# **DISCUSSION/ ACTION ITEMS**

# TAB A

The Logo Committee has met with the purpose of identifying a winning Logo for the Logo Contest. The committee struggled to identify one logo because a logo can become the brand identity for the city (i.e. western, outdoors, mining, skiing, etc.). The committee felt it wasn't appropriate to approach the city's identity without a clearly articulated brand. The committee is recommending the city start the logo process with a rebranding campaign to identify a brand for the city. The Committee did identify the top 4 logos for consideration for the Logo Contest as shown below.

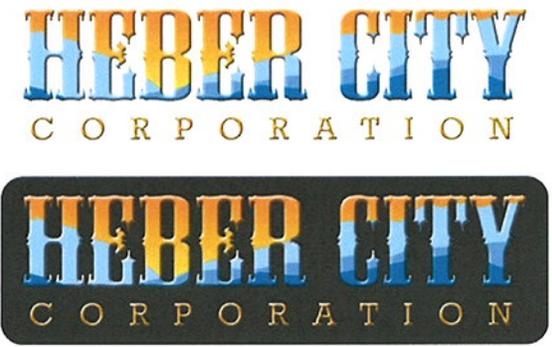
To accurately identify the city's brand, the city should consider hiring a company that specializes in rebranding. Rictor 7, a graphics company in Salt Lake City, has done work for Zion's Bank, Jackson Hole, and Park City Chamber of Commerce. A thorough rebranding process consists of research, development of the brand model, development of a brand style guide, development of a marketing plan, and implementation, costing up to \$100,000+. Initial research is the key part of a rebranding project that involves surveys, interviews and public outreach to produce quantitative and qualitative data on an organization's brand.

Ryan Bunnell, owner of Ignition Graphix in Heber City, indicates a very basic logo package could cost around \$300+. In that process, a few logo ideas would be generated and a few revisions would be permitted. A slightly more detailed process would include the creation of a style guide and logo. Style guides include standards for logos, fonts, letterhead, and colors for an organization. Mr. Bunnell indicates these processes are very personalized and can vary greatly in cost per organization. A 6 page style guide for a small organization might cost \$2,000, while a more intensive process with a more detailed style guide could cost \$5,000 to \$15,000+. Mr. Bunnell has suggested that simple logos are more effective than detailed logos, and many organizations simplify their logos over time.

Heber Valley Tourism and Economic Development recently developed a new logo and letterhead with Saxton Horne, a graphics company in Salt Lake City. Such an effort for Heber City would likely cost between \$1,000 to \$3,000+.

**RECOMMENDATION**

For the Logo Contest, consider one of the four logos illustrated below. If the Council desires to replace the current city logo, consider hiring a graphics company to assist in leading a rebranding effort, and develop a style guide and logo, while utilizing the logo contest submittals for ideas in that process.

Recommended Logos	
 	
 	

**TAB B**

## Summary of Responses to Local Preference for Purchasing

### **Ephraim City:**

#### **SECTION 3 – GENERAL GUIDELINES**

The general guidelines below should be considered administrative rules and are to be followed as closely as possible by all departments.

#### **3.1 Local Buying**

Whenever possible, purchases will be made from local vendors from Ephraim. This can be accomplished by ensuring that local vendors who have goods or services, which the City is in need of, are included in the competitive bidding process, which will precede most purchases. If a local vendor's bid is within 10% of the low bid from a non-local vendor, the local vendor shall be given preference in the acceptance of bids.

Regan Bolli

### **St. George**

The City of St. George has a policy that a local vendor has the right to match the low bid if they are within 5%. We have had the policy for several years and never had a challenge and it has worked well.

Gary S. Esplin

### **Sandy:**

In Sandy, we have considered this in the past and do not give preference to local vendors but keep with the lowest bid unless there are other factors that can be documented as to why we don't use the lowest bid. I don't believe there were problematic issues from a legal standpoint when we considered this, but rather, the philosophy was more one of the best way to serve all taxpayers in the city is to use the least expensive and most responsible vendor, regardless of location. That works great for us and in Salt Lake Valley, but in other communities, particularly where the difference between a local vendor and an out of town vendor is greater, the philosophy may be different.

Korban Lee

### **Pleasant View:**

Pleasant View doesn't have anything, but when I worked for Casa Grande, AZ, they had a local preference in their procurement ordinance. When I wrote the procurement manual for the organization, we realized that a percentage gets to be problematic when large projects or costs come into play.

Example:

\$100 @ 5% =\$5

\$50k@ 5% = \$2,500

No one will complain much at \$5, but \$2,500 is another story. If you implement a %, you will want to look at doing some sort of a sliding scale.

Melinda Brimhall

### **Santa Clara:**

Contact the mayor of North Ogden (Rich Harris). When I was in north Ogden we used the choosing by advantage system and it would factor in local firms and past jobs for city etc. we would award the firm that showed best advantage to city regardless of cost. Very defendable and never had any problems.

Ed Dickie

I have sent an email to Mayor Harris, but have not yet received a response. North Ogden's purchasing policy provided to me by staff did not note any local vendor preference.

### **Washington City:**

Here is Washington City's policy:

Local Vendor Preference:

1. In awarding bids for public work or for the procurement of supplies or services,.

A "local vendor" is defined as a business having:

- a. A commercial office, store, distribution center or other place of business located within the boundaries of Washington City, with an intent to remain on a permanent basis;
- b. A current Washington City business license; and
- c. At least one employee physically present at the local business outlet.

2. All three (3) criteria must be met in order to qualify as a local vendor. If there are no bidders who qualify as a local vendor, the same preference may then be extended to Washington County under the conditions below. If a low bid is submitted by a nonpreferred (nonlocal vendor) bidder, the bid may be awarded to a local vendor, if the local vendor's bid is within five percent (5%) of the low nonpreferred bid, and if the local vendor agrees, in writing, within seventy two (72) hours after notification that it is the qualified preferred bidder, to meet the low bid. Such notice shall contain the exact bid submitted by the nonpreferred bidder, and the purchasing agent shall enter into no contract until seventy two (72) hours have elapsed after notification to the local vendor. The principal place of business of a local vendor may be elsewhere as long as a local branch meeting the above criteria is present. The domicile of one or more partners, owners, associates, directors, employees or agents shall not qualify for constituting a local vendor in the absence of an actual local business outlet. (Ord. 2011-02, 2-9-2011)

Roger Carter

### **Draper City:**

Draper City considered this a few years ago. Several of our larger local businesses did not support this concept because they worried that other cities would follow suit and consequently put them at a bidding disadvantage. Based on that, our city council did not approve it.

David Dobbins

### **Brigham City:**

Brigham has the following language in our purchasing policy and it is used mainly for purchasing vehicles or items already under state contract. We request bids from state contract holders and the local auto dealers at the same time and if the local vendor meets the requirements of the policy we award the bid to them, if not it goes to the state vendor. Depending on what we are buying, I think it works out to be about a 50/50 split. All other bid items are awarded to the lowest responsible bidder or rejected for cause. If you want the entire document let me know.

Bruce Leonard

### **Farmington Utah:**

No local preference established in our purchasing policies.

David Millheim

### **Mark Achen ICMA:**

Grand Junction considered exactly the same policy proposal twice during my years as manager. Each time the Council came to the same conclusion as did Draper: such a policy might result in a bidding war with neighboring communities which could end up hurting, rather than helping, our local suppliers, contractors, etc. Hope this of some help.

### **Centerville:**

Centerville has not considered this, but we did in Colorado where I managed a rural community. We ultimately did not adopt such a policy there. I believe it is a dangerous idea that is hard to justify in a taxpayer climate and I think implementation issues would ultimately kill the idea (at least that is my 2 cents). In an urban area, it is particularly problematic because the definition of "local" becomes so blurred, but I think you would have trouble defining that practically even in Heber City.

Steve Thacker

### **South Salt Lake:**

We have some experience in South Salt Lake. Paul Roberts, our deputy City Attorney, can discuss it with you. Yes, we have some legal concerns.

Lyn Creswell

Our City Attorney spoke with Paul Roberts and Paul indicated that he believed the practice was legal, but shared the same concerns expressed by Sandy and Draper.

### **Roosevelt:**

Here is the local preference as it reads in our policy. We have not exercised this option since the policy was written in 2008. I'm not sure if the attorney has reviewed the document. Brad wrote it and Council approved it.

## **SECTION 9. LOCAL VENDOR PREFERENCE**

- A. This directive establishes guidelines in order to provide preference to local vendors in comparison with bids and quotations from non-local vendors.
- B. This section does not apply to purchases equal to or greater than \$25,000 where competitive sealed bidding is required.
- C. In all purchases, Roosevelt City shall within guidelines established by the purchasing ordinance and its policies and regulations, prefer supplies, equipment, services, or materials sold in Roosevelt City to the extent set forth in the following subsections and based on quality, suitability, and economy:
  - 1. When a quotation or bid for supplies, equipment, services, or materials from a non-local provider (from outside Roosevelt City corporate boundaries) submitted in response to a quote invitation or bid request is the low bid price, AND there is a local

bidder whose bid or quote is within five (5%) percent of the lowest bid of the non-local bidder(s), the purchase shall be awarded to the local bidder provided he/she agrees to meet the low quote or bid of the lowest non-local bidder within 48 hours after notification.

2. In the event that more than one local bidder (within the corporate boundaries of Roosevelt City) shall notify Roosevelt City of his/her willingness to meet the low quote or bid of the lowest non-local bidder, the purchase shall be awarded to the willing local bidder who was the lowest local bidder originally. If there are two or more equally low local bidders, then the local bidder to which the purchase is awarded shall be the local bidder whose original bid was first received by the City.

Justin Johnson

**Tremonton:**

Attached is Tremonton City's purchase policy with highlighted sections that may be of interest. Essentially, our policy allows the person making the decision to purchase to ask if the local vendor will match the lowest price. Additionally, our policy states that the decision to purchase may not be made solely on the lowest price so that preference may be given to local businesses. I would be interested to see what other cities' policy state regarding this issue.

**SECTION II: PURCHASING POLICY & CONTRACTS**

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1. POLICY OBJECTIVES. The underlying purpose of this policy is the balancing of the following objectives. It is understood that some of the objectives may be in conflict with other objectives. It is the final decision making body's prerogative to find the appropriate balancing of the objectives within this General Policy when making a Procurement.

C. Strengthen Local Economy. To strengthen Tremonton City's economy by supporting independently owned Businesses in Tremonton City and the Bear River Valley.

4. AUTHORIZATION FOR EXPENDITURES.

A. Basis for Making Procurement Decisions and Authorizing the Expense. The position/body that has been granted authority to authorize an expense by signature of a Purchase Order shall make the decision upon requirements set forth in the Purchase Description, Request for Bids, Request for Proposal, and Request for Qualifications and balancing the policy objectives of Section 1 Policy Objectives. It is not requisite that the position/body who has authority to make Procurement decisions select the Vendor based upon the lowest possible price except as specified in UCA 11-39 for Building Improvement and Public Works Projects. Additionally, the position/body making the Procurement decision may, after receiving the bids, inquire to see if an independently owned Vendor in Tremonton City or the Bear River Valley may match the lowest bid received.

Shawn Warnke

**Midvale City:**

**We do address this in our purchasing ordinance. The problem that we've had is that the term "local" in our case could mean the Wasatch Front or the State. The following is the wording out of the ordinance:**

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 Service: The ability of the bidder to provide future maintenance and service and the local availability of parts, materials, etc.
9. **Local Bidder: When possible, preference shall be given to local bidders.**

*Kane Loader*

## MEMORANDUM

TO: Heber City Council and City Manager  
FROM: J. Mark Smedley, Heber City Attorney  
RE: Preference for local bids  
DATE: April 23, 2013

Pursuant to the Council's inquiry regarding awarding project bids to local contractors, it appears legal to do so.

Wasatch County has adopted a limited scope policy with regard to closed bids. The process is effected through its Procurement Code, in Title 2 of the Wasatch County Code.

Said preference portion of the Wasatch Code is drafted broadly, including its definition of a responsive bidder, giving the County open and sole discretion as to when to apply this provision.

Also included in this Memorandum is a provision from the Utah Procurement Code that addresses *preferences for resident contractors*. In that provision, the resident contractor is required to meet the lowest bid. It appears to be a preference, but with a requirement to meet the lowest bid and other conditions.

The scope of the State Code would suggest that it is permissible to extend and apply this preferential treatment policy beyond closed bid circumstances, i.e., to accommodate local suppliers, individuals and local businesses, supplying services or products.

Some considerations and talking points:

1. How will the City define "Local"? Does this mean someone that has a license in Heber, or Wasatch County? Does it mean someone who has employees in Wasatch County or Heber? Is the principal place of business in Heber, Wasatch County, or Summit County? Wasatch County has some definitional provisions outlined below.
2. In the event of a preference to a local bidder, supplier or service provider (*hereinafter referred to as a local contractor*), should that local also be given a higher bid award, or preferential percentage benefit? Wasatch County Code provides for this, the State Procurement Code does not appear to do so.
3. If given, what percentage of benefit should be afforded local contractors?

4. What minimum, threshold standards should be adopted, to which all bids or contractors should adhere to?

5. Are the other bidders or contractors unfairly damaged or prejudiced by the award to a local contractor?

6. What limits, if any, would the City impose upon the local contractors to counterbalance the benefit offered to said local contractor, to safeguard the financial interests of Heber Citizens? What is a reasonable edge that the community can tolerate?

7. A disclaimer provision should be included stating that all such processes be consistent and not in conflict with local, state or federal rules and laws, especially including but not limited to the State Procurement rules, laws and regulations.

**Wasatch County Code:**

General 3.05.08: PROCEDURES FOR SOLICITATION AND AWARD OF PURCHASE OR CONTRACT:

K. Preference For Local Businesses: It is the policy of the county to support local businesses in an effort to support the county's economy and tax base. At the sole discretion of the county, a local business may be given local preference and may be deemed to be the lowest responsive and responsible bidder, or where appropriate, the highest responsive and responsible bidder\* as set forth in section 3.05.01 of this chapter, and the local business' bid is within five percent (5%) of the lowest responsive and responsible bidder, or, where appropriate, within five percent (5%) of the highest responsive and responsible bidder. For purposes of this section only, a "local business" is defined as a business having:

1. A commercial office, store, distribution center or other place of business located within the boundaries of the county, with an intent to remain on a permanent basis;
2. A current business license within the county; and
3. At least one employee physically present at the local commercial office, store, distribution center or other place of business. (2002 Code § 3.05.08; amd. Ord. 09-02, 1-29-2009)

\*3.05.01 RESPONSIBLE BIDDER: A bidder whose reputation, past performance and business and financial capabilities are such that the bidder would be judged by appropriate authority to be capable of satisfying the county's needs for a specific purchase order or contract.

**2006 Utah Code - 63-56-405 — Preference for resident contractors.**

**63-56-405. Preference for resident contractors.**

(1) As used in this section, "resident contractor" means a person, partnership, corporation, or other business entity that:

(a) either has its principal place of business in Utah or that employs workers who are residents of this state when available; and

(b) was transacting business on the date when bids for the public contract were first solicited.

(2) (a) When awarding contracts for construction, a public procurement unit shall grant a resident contractor a reciprocal preference as against a nonresident contractor from any state that gives or requires a preference to contractors from that state.

(b) The amount of the reciprocal preference shall be equal to the amount of the preference applied by the state of the nonresident contractor.

(3) (a) The bidder shall certify on the bid that he qualifies as a resident contractor.

(b) The reciprocal preference is waived if that certification does not appear on the bid.

(4) (a) If the contractor submitting the lowest responsive and responsible bid is not a resident contractor and has his principal place of business in any state that gives or requires a preference to contractors from that state, and if a resident contractor has also submitted a responsive and responsible bid, and, with the benefit of the reciprocal preference, the resident contractor's bid is equal to or less than the original lowest bid, the procurement officer shall:

(i) give notice to the resident contractor that he qualifies as a preferred resident contractor; and

(ii) issue the contract to the resident contractor if, within 72 hours after notification to him that he is a preferred resident contractor, he agrees, in writing, to meet the low bid.

(b) The procurement officer shall include the exact price submitted by the lowest bidder in the notice he submits to the preferred resident contractor.

(c) The procurement officer may not enter into a contract with any other bidder for the construction until 72 hours have elapsed after notification to the preferred resident contractor.

(5) (a) If there is more than one preferred resident contractor, the procurement officer shall award the contract to the willing preferred resident contractor who was the lowest preferred resident contractor originally.

(b) If there were two or more equally low preferred resident contractors, the procurement officer shall comply with the rules adopted by the Procurement Policy Board to determine which bidder should be awarded the contract.

(6) The provisions of this section do not apply if application of this section might jeopardize the receipt of federal funds.

Renumbered and Amended by Chapter 25, 2005 General Session