

THE COMMUNITY RENEWABLE ENERGY BOARD
RESOLUTION NO. 21-08

**A RESOLUTION OF THE BOARD ADOPTING A FINANCIAL ADMINISTRATION
POLICY**

WHEREAS, the Community Renewable Energy Board (“Board”) met in a special meeting on July 13, 2021, to consider, among other things, adopting a financial administration policy; and

WHEREAS, Utah Code Ann. § 11-13-516 provides that “[a]n interlocal entity shall make an expenditure or incur an obligation according to the purchasing procedures established by an interlocal entity by resolution and only by order or approval of a person duly authorized;” and

WHEREAS, the Board has determined that by this resolution to adopt purchasing procedures and duly authorizing a person(s) to order or approve purchases.

NOW, THEREFORE, BE IT RESOLVED by the Board that the following be adopted as the Agency Financial Administration Policy

1. Scope.

A. No purchases shall be made, and no encumbrances shall be incurred for the benefit of the Agency except as provided in this resolution.

B. 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.

C. 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 resolution would jeopardize the use of those state or federal funds, such conflicting provisions of this resolution shall not apply and the Agency officials making such purchases shall follow the procedure required by the state or federal laws or regulations.

2. Definitions.

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

A. “Encumbrance” means an obligation of the Agency.

B. “Professional Services” means professional and other skilled services such as auditing, architecture, engineering, surveying, appraisals, legal service, or counseling, sought or obtained from such sources.

C. “Nonprofessional Services” means services other than professional services.

D. “Supplies” shall mean any and all tangible articles or things, materials or equipment which shall be furnished to or used by Agency within the scope of its operations.

E. “Invitation for Bids” means solicitation (including soliciting documents) of competitive sealed bids for procurement of services, supplies and equipment when the Agency can establish precise specifications defining the actual commodity or group of commodities required.

F. "Request for proposals" means a document used to solicit proposals to provide the Agency a procurement item.

G. "Request for statement of qualifications" means a document used to solicit information about the qualifications of a person interested in responding to a potential procurement,

H. "Agency" means the Community Renewable Energy Agency created by interlocal.

3. Acquisition of services and supplies, in the amount of \$5,000 or less.

A. Except as provided herein, whenever the total price of a contract for services or supplies is estimated to be \$5,000 or less, the following procedures shall apply:

1. Where the amount to be paid by the Agency is \$5,000 or less, three independent price quotes shall be obtained prior to such acquisition and a purchase order, service request, check request, or check must be approved by the _____.

2. For purposes of determining the amount to be paid for the purchase order or service request, a single purchase, or what would commonly be considered a single purchase, shall not be subdivided into component parts to avoid the authorization limits.

B. Approval of a contract for services or supplies by the Agency 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 person in the amounts indicated provided the total contract price, including the change order, is within the original budget amount; provided, however, the _____ shall provide a full and complete accounting and description to the Board for any change order or series of change orders with respect to a project that are \$5,000 or more.

4. Acquisition, services, and supplies in an amount of greater than \$5,000.

Except as provided herein, whenever the total price of a contract for services or supplies is estimated to be greater than \$5,000, an invitation for bids, request for statement of qualifications, or a request for proposals shall be issued prior to acquisition and the following procedures shall apply:

A. The _____ or his designee shall develop the appropriate plans and/or specifications for each such acquisition or project.

B. The _____ or his designee shall cause notice of invitation of bids, request for statement of qualifications, or responses to requests for proposals (including a general description of the items to be procured, the work to be done and the time and place for the opening of bids or proposals), to be published on the Agency's website and, and published on the Utah Public Notice Website created by Utah Code Ann. § 63F-1-701.

C. The _____ or his designee may determine a non-refundable fee to be charged to each prospective bidder who desires a set of plans and/or specifications.

D. Bids, request, or proposals shall be invited from vendors deemed to be appropriate and responsible.

G. For purposes of determining the estimated total price of a contract for services or supplies, what would commonly be considered a single purchase shall not be subdivided into component parts to avoid authorization limits.

H. Approval of a contract for services or supplies includes authorization to make payment to the contractor or vendor in the amount of the original contract.

I. Change orders may be approved by the person in the amount indicated provided the total contract price, including change orders, is within the original budget amount provided,

however, the _____ or his designee shall provide a full and complete accounting and description to the Council of any change orders that exceed \$ 5,000.

J. Notwithstanding the above, if the _____ determines in writing, a copy of which shall be given to the Board at the next regular Board meeting, that the method described above is either not practical or not advantageous to the Agency, a contract may be entered into as provided in Utah Code Ann. § 63G-6a-101 et seq.

K. Notwithstanding the above, the _____ may (i) purchase services or supplies from the vendor who has submitted the lowest bid price for such items to the State of Utah Purchasing Office at the quoted price, without any solicitation, price quotation, request for proposals, or invitation to bid, or (ii) purchase nonprofessional services, equipment, or supplies from the vendor who has submitted the lowest bid price for such items to a government entity at the quoted price, provided that the government entity used a solicitation process that is the same or similar to the solicitation process described herein, without any solicitation, price quotation, request for proposals, or invitation to bid. For such purposes, the quoted price shall be deemed to be the lowest price available for such items and need not follow the solicitation procedures otherwise required by these rules.

L Notwithstanding the above, the _____ 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 source, manufacturer, or distributor, (iii) purchase services or supplies from vendors based on a continuation of services or supplies, provided that such combination is in the public interest; or (iv) purchase services or supplies from other government entities pursuant to Utah Code Ann. § 11-13-101, et seq., (Interlocal Cooperative Act).

5. Acquisition of Professional Services.

Professional services may be procured as negotiated based on demonstrated qualifications and at a fair and reasonable price. Procurement of professional services must be approved by the _____.

6. Emergency acquisitions.

In case of an actual emergency, the _____ 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 life, health, safety or welfare of the public. The _____ shall promptly send the Board a full written report of the circumstances of the emergency.

7. Conditions of acceptance.

A. The Agency reserves the right to reject any and all bids. No bidder shall have any right, legal or equitable, or claim against the Agency for any expense or cost incurred by him in the preparation or submission of his bid, which is rejected, regardless of the reasons for the rejection.

B. The Agency expressly reserves the right to waive minor or slight irregularities in a bid which in the judgment of the _____ are in the best interest of the Agency. The decision of the _____ on irregularities on a bid shall be final and conclusive and shall not create any right to bidders. Further, the Agency reserves the right to amend, modify or waive any provision in a request for proposal, request for statement of qualifications, 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 Agency may consider, in addition to price:

1. The ability, capacity and skill of the bidder to perform the service required;
2. Whether the bidder can perform the contract or provide his 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 the 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 _____ shall determine, including inventory, mechanic's expertise and ease of maintenance; and
11. The value provided to the Agency.

8. Payment of routine expenditures.

The _____ is authorized to approve payments for routine expenditures, if any, 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 _____ is authorized to approve payments for supplies, materials and payments on City-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.

9. Payment of payroll obligations.

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

This Resolution assigned No. 21-07, shall take effect immediately.

PASSED AND APPROVED by the Board this 13th day of July 2021.

**COMMUNITY RENEWABLE ENERGY
BOARD**

_____, Acting Chair

ATTEST:

_____, Acting Secretary