

SECTION 1: AMENDMENT “2.32.040 Construction” of the Payson
Municode Code is hereby *amended* as follows:

AMENDMENT

2.32.040 Construction

A. Definitions.

As used in this Section, the words **LOWEST RESPONSIVE RESPONSIBLE BIDDER** means any prime contractor who has submitted a bid in compliance with the invitation to bid and within the requirements of the plans and specifications for the building improvement or public works project, is the low bidder that satisfies the criteria relating to financial strength, past performance, integrity, reliability, and other factors necessary to assess the ability of the bidder to perform fully and in good faith the contract requirements, has furnished a bid bond or equivalent in money as a condition to the award of a prime contract and who furnishes a payment and performance bond as required by law.

As used in this Section, **BUILDING IMPROVEMENT** means the construction or repair of a public building or structure.

As used in this Section, **PUBLIC WORKS PROJECT** means 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; and does not include the replacement or repair of existing infrastructure on private property; or construction commenced before June 1, 2003.

As used in this Section, **CONSUMER PRICE INDEX** means the Consumer Price Index for All Urban Consumers as published by the Bureau of Labor Statistics of the United States Department of Labor.

As used in this Section, **DESIGN-BUILD PROJECT** means a building improvement or public works project costing over \$ 250,000 with respect to which both the design and construction are provided for in a single contract with a contractor or combination of contractors capable of providing design-build services; and (b) does not include a building improvement or public works project: (i) that is undertaken by a local entity under contract with a construction manager that guarantees the contract price and is at risk for any amount over the contract price; and (ii) each component of which is competitively bid.

As used in this Section, **EMERGENCY REPAIRS** means a building improvement or public works project undertaken on an expedited basis to: (a) eliminate an imminent

risk of damage to or loss of public or private property; (b) remedy a condition that poses an immediate physical danger; or (c) reduce a substantial, imminent risk of interruption of an essential public service.

- B. When the Governing Body intends to undertake any new building improvement to be paid for out of the funds of the city, the governing body shall cause plans, specifications, and an estimate of the cost of the improvement made. If the estimated cost is less than forty thousand dollars (\$40,000) for the year 2003; and for each year after 2003, the amount of the bid limit for the previous year, plus an amount calculated by multiplying the amount of the bid limit for the previous year by the lesser of 3% or the actual percentage change in the Consumer Price Index during the previous calendar year, the City may make the improvement without calling for formal competitive bids for making the same.
- C. If the estimated cost for the proposed new building improvement shall exceed forty thousand dollars (\$40,000) for the year 2003; and for each year after 2003, the amount of the bid limit for the previous year, plus an amount calculated by multiplying the amount of the bid limit for the previous year by the lesser of 3% or the actual percentage change in the Consumer Price Index during the previous calendar year, the City, if it determines to make the improvement, shall do so by contract let to the lowest responsible bidder after placing the project on the SciQuest, or the City chosen bidding software, publication of notice at least twice in a newspaper of general circulation printed and published in the City at least five (5) days prior to the opening of bids.
- D. When the Governing Body intends to undertake any new public works project to be paid for out of the funds of the city, the governing body shall cause plans, specifications, and an estimate of the cost of the project. If the estimated cost is less than one hundred twenty five thousand dollars (\$125,000) for the year 2003; and for each year after 2003, the amount of the bid limit for the previous year, plus an amount calculated by multiplying the amount of the bid limit for the previous year by the lesser of 3% or the actual percentage change in the Consumer Price Index during the previous calendar year, the City may make the improvement without calling for formal competitive bids for making the same.
- E. If the estimated cost for the proposed public works project shall exceed one hundred twenty-five thousand dollars (\$125,000) for the year 2003; and for each year after 2003, the amount of the bid limit for the previous year, plus an amount calculated by multiplying the amount of the bid limit for the previous year by the lesser of 3% or the actual percentage change in the Consumer Price Index during the previous calendar year, the City, if it determines to make the improvement, shall do so by contract let to the lowest responsible bidder after placing the project on the SciQuest, or the City chosen bidding software, at least five (5) days prior to the opening of bids.
- F. The Governing Body shall have the right to reject any or all bids presented, without cause, and all notices calling for bids shall so state. If the bids are rejected and the Governing Body decides to re-solicit bids, it shall advertise anew in the same manner as before. If, after twice advertising as herein provided, and no bid is received that is satisfactory, the Governing Body may proceed under its own direction to make the improvement.
- G. Nothing in this Section requires the City to call for bids for emergency repairs; for a

building improvement or public works project if the estimated cost is less than the amount required in paragraphs B and D; or for the conduct or management of any of the departments, business, or property of the City.

- H. Work excluded under this paragraph shall comply with Utah Code § 72-6-108 (1953 as amended), as applicable.