



Procurement Manual

Effective January 1, 2024

PROCUREMENT MANUAL

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CHAPTER 1 PURCHASING POLICY STATEMENT

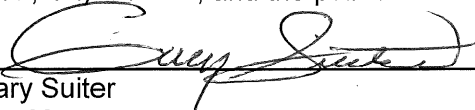
Two Values of the City of Steamboat Springs are Service and Integrity. This Procurement Manual sets the policies and procedures necessary to accomplish those core values. The Mission of Procurement & Contracting is to provide quality professional service to our customers and maximize the efficiency and effectiveness of all organization functions. We aim to ensure fair and open competition and compliance with all laws and regulations to provide the best value to the taxpayers for the goods and services required to run the City.

Procurement & Contracting is a division of the Finance Department. This division provides a centralized source for the procurement of goods and services, Request For Proposal (RFP), Invitation For Bid (IFB), formal and informal bid and solicitation development, vendor contact, contracting, and general problem-solving. We promote the use of Total-Cost procurement, Life Cycle Costing, and long-term, ongoing vendor relationships, whenever feasible, to ensure the best services and products are provided for the community. Pricing and costs are critical criteria for product and service selection; however, quality, service, professional qualifications, references, past experience, delivery schedule, warranties and guarantees, and consistency with existing stock and inventory are also important factors in selection and contract awards.


The City of Steamboat Springs advocates open and fair competition with vendors, suppliers, and contractors to provide the best goods and services for the City of Steamboat Springs and the public. In all employment activities, business transactions, purchases, and contracts, the City prohibits discrimination based on age, race, sex, gender, color, religion, national origin, disability, military status, familial status, genetic information, or any other status protected by applicable federal, state or local law. This belief is expressed in the (Strategic Plan: "Community Livability & Economic Health, Culture & Recreation, Environmental Health, High-Performance Government, Safe Community, and Transportation & Mobility")

The City of Steamboat Springs often purchases and contracts for goods, services, building construction, transportation, and public works projects using grant funds from state, federal agencies and non-profit foundations. Granting agencies' procurement and contracting requirements often guide City procurement and contracting policies and procedures. Procurement is responsible for compliance with grant-funded procurement and contracting regulations.

The Procurement Manual is a reflection of collaboration between City of Steamboat Springs Staff, City Council, and the public of Steamboat Springs.



Gary Suiter
City Manager



Dated:

CHAPTER 2 INTRODUCTION

This Procurement Manual establishes a uniform procedure for the procurement of materials, services and equipment and ensures compliance with the local, state and federal laws and regulations governing the City's purchases and contracting.

Our current semi-centralized purchasing procedure has many advantages for the City. Similar guidelines in procedures, standardization of commodities and the combination of similar requests can all result in cost savings to the City. A centralized responsibility for purchasing functions relieves department staff of a time-consuming administrative function and ensures consistent and fair treatment for all.

2.01 Definitions

The words defined in this section shall have the meanings set forth below whenever they appear in this manual unless:

1. The context in which they are used clearly requires a different meaning.
2. A different definition is prescribed for a particular section or provision.

In general, we use the following terms to mean:

Procurement

Procurement & Contracting Division, a division of the Finance Department.

Purchasing

Procurement or the act of purchasing.

City Manager

The City Manager of the City of Steamboat Springs or designee(s).

City Council

The Council of the City of Steamboat Springs.

Supplies

Any material, equipment, property, and services of value to be purchased or sold by the City

Vendor

Any firm, individual, corporation, agent or company who may desire to quote on the City's requirements or who wants to purchase items offered for sale by the City.

City

City of Steamboat Springs, State of Colorado.

Charter

Charter of the City of Steamboat Springs.

Code
Code of Ordinances of the City of Steamboat Springs.

2.02 Purpose

The purpose of this manual is to provide you with a reference for City procurement policies and procedures and how they should be applied.

2.03 Goal

In making any purchase, we strive to consider the total cost of the product or service through its life cycle and our customer's (City staff and the public) usage requirements. We strive toward long-term relationships, where feasible, and toward constantly improving products and services from our vendors. All available information will be analyzed as part of our decision to continue purchasing from a supplier. Our aim is to minimize the total cost while considering quality, service, maintenance, standardization, and other issues, not just the initial cost.

2.04 Organizational Procurement & Purchasing Authority

General Authority and Person's Responsible for Organizational Procurement and Purchasing:

- Finance Director
- Senior Procurement Agent
- Procurement Coordinator

2.05 Purchasing Authority and Approval Table*

<u>Non-Formal Bid Items</u>	<u>Final Approval</u>
Purchases up to \$2,499	Department Supervisor/Delegate
Purchases \$2,500 to \$4,999	Department Manager
Purchases \$5,000 to \$9,999	Department Director
Purchases \$10,000 to \$24,999	Finance Director
Purchases \$25,000 +	City Manager

*Table applies to Payment Requests, see Chapter 5 for Purchase Order signing limits.

Micro-Purchase per 200.320d of the Uniform Guidance – Micro-purchase procedures can be used when each purchase does not exceed \$10,000. Purchases within the micro-purchase threshold can be awarded without soliciting competitive price quotations if the price is reasonable. There are several ways to verify the reasonableness of a price including, compare to previous purchases, have personal knowledge of the item(s) being purchased, or compare to similar items

being purchased. To the maximum extent practical, micro-purchases should be equitably distributed among qualified suppliers.

Small Purchases per 200.320b of the Uniform Guidance – simple and informal procurement price or rate quotes shall be obtained from at least two (2) qualified vendors.

Recommendations shall be made by the division and project manager through Senior Procurement Agent. Items over \$10,000 should involve some kind of price comparisons or informal competitive process and follow the small purchase procedure. Two or more verbal, written or email quotations should be provided on request to document price and/or service or quality comparison by the department.

§200.320 (b) Formal procurement methods. The entity must use one of the following methods of procurement for purchases over \$75,000:

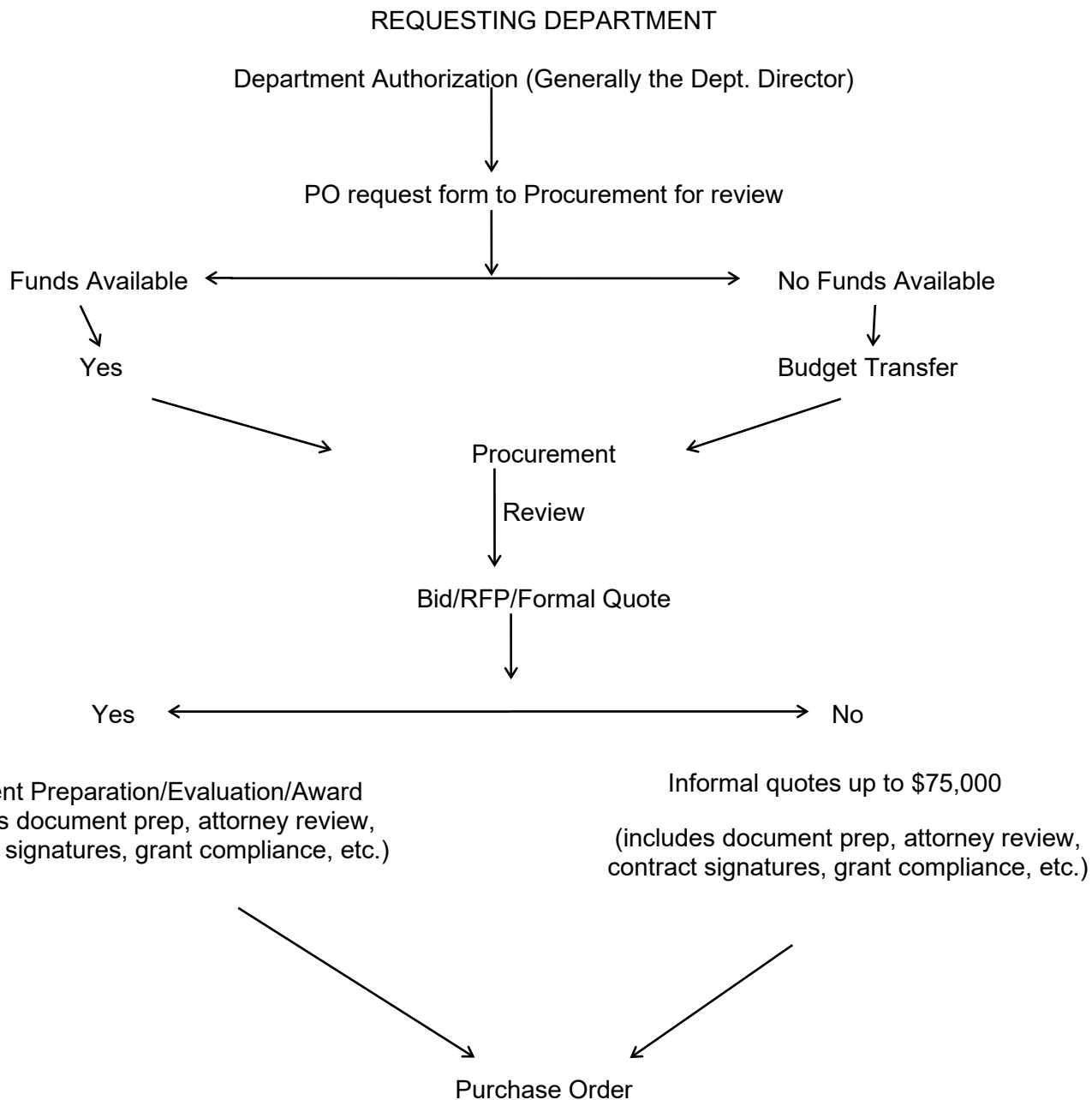
<u>Formal Bid/Proposal-Items (\$75,000 or more)</u>	<u>Final Approval</u>
Only One (1) Bid Received	Selection Committee
Tie Bid (two or more bids in the same dollar amount)	Selection Committee
<u>Exceptions to Formal Competitive Bid or Proposals (Sole Source) \$75,000 and over</u>	Final Approval City Manager & Department Director
All change orders must be presented to procurement for review.	
Emergency Items over \$75,000	City Manager

Sealed Bids: Procurement by sealed bids (formal advertising). Bids are publicly solicited, and a firm-fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the Invitation for Bids, is the lowest in price.

Proposals: A procurement method in which either a fixed price or cost-reimbursement type contract is awarded. Proposals are generally used when conditions are not appropriate for the use of sealed bids.

Noncompetitive Procurement: Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply: (1) The item is available only from a single source; (2) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation; (3) In connection with a grant, the federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the City; or (4) After solicitation of a number of sources, competition is determined inadequate.

2.06 Flow Chart of a Purchase Requisition



Procurement will review and collect required insurance and bonds and ensure contracts are signed before PO is issued. Procurement provides all records to document manger to save in records management system.

2.07 Major Types and/or Commodities Involved in Procurement:

- Botanical Equipment and Supplies
- Chemicals
- Clothing and Uniform Purchases
- Concession and Franchise Agreements
- Construction Improvements, Maintenance, and Supplies:
 - Paving and Concrete, Painting, Plumbing, Excavating, HVAC, Fencing, Lumber, Roofing, Drywall, Electrical, Construction Management, etc.
- Construction Improvements:

- General Construction, Buildings, Parks and Recreation, etc.
- Contract Administration
- Fire-fighting Equipment
- Janitorial Services and Supplies
- Landscaping
- Law Enforcement Equipment and Supplies
- Motor Vehicles and Related Items
- Office Supplies, Furniture, and Equipment:
 - Copiers, Personal Computers, Software, Printing, etc
- Professional Services:
 - Engineering, Architecture, and Other Consulting Services
- Radios, Communication Equipment, and Maintenance
- Recreation Supplies and Equipment
- Road and Construction Equipment
- Safety Supplies
- Sand, Gravel and Cement
- Shop Equipment and Related Supplies:
 - Lumber, Welding
- Telecommunication Software and Equipment
- Telephones and Related Items
- Towing Services, Traffic Control, Signs, and Related Items

CHAPTER 3 POLICIES AND AUTHORITY

This Manual, including the purchasing responsibilities and regulations, is adopted by the City Manager, and revised as deemed necessary by the City Manager.

Further policies regarding procurement, contracting and franchise agreements are established in the City of Steamboat Springs Home Rule Charter Accepted November 6, 1973, and as officially revised or amended by City Council and Charter Elections. Other regulations may apply in the City of Steamboat Springs Municipal Code.

Certain grant funded purchases and/or contracts may be regulated by the granting agency or foundation. When City regulations are less stringent than state or federal requirements, the state or federal requirements will take precedence. Conversely, when City regulations are more stringent or restrictive, City regulations will take precedence.

Federally funded purchases must follow at a minimum federal procurement policies. See Uniform Guidance – 200.318 – 200.326.

In the case of conflicting regulations, the City Charter will take precedence and then the City Municipal Code and then this Manual.

Bid and Proposal solicitations will provide specific information relative to the project or purchase scope and specifications, funding, contracting, selection criteria, and contract award evaluation used for each individual solicitation.

CHAPTER 4 GENERAL POLICIES AND PROCEDURES

4.01 Department Responsibilities

Goods or services over \$10,000 must be requested through an established process with the Procurement by sending an email to the procurement request email with the procurement forms located in the procurement public drive. If an exact cost is not known, an estimated cost should be used. Please provide the most realistic delivery date possible and any special instructions, vendor lists, specifications, scope of work, etc.

Procurement should be involved in all contracts regardless of dollar value. This will allow relevant Departments to review the contract. All contracts should be approved by the City Manager.

1. Determine the budget amount allocated and approved, the quality and quantity of supplies, materials, services and equipment needed, and the delivery date required.
2. Work with Procurement to establish standard specifications for supplies, materials and equipment and/or scope of work for construction and/or professional services.
3. Anticipate the requisition requirements giving accurate description of article(s) required allowing time for purchasing items on a competitive basis.
4. Review and recommend award of competitive bid/proposal results according to a written selection method for proposals. Each RFP/IFB will describe expectations of the City's needs for the project/service. General solicitations to vendors that does

not require an RFP/IFB are also expected to describe expectations to vendors to select a vendor properly.

5. Receive and inspect item(s) delivered direct by vendor and report any shipments that fail to meet the Purchase Order contract to Procurement and the vendor. Items shall be inspected within 5 business days of receipt.
6. Handle all emergency purchases and declarations of surplus property in accordance with established procedures.
7. Secure required authorization from the City Manager for purchases/contracts over \$75,000 if the formal and/or competitive process requirements are being waived.
8. Give feedback on the performance of the vendor/contractor to Procurement. A Vendor Evaluation Report is provided to assist in documenting vendor non-performance; however, a memo is sufficient.

4.02 Public Records Policy

Purchase Orders, invitations to bid, bid tally sheets and other purchasing information of a public nature are available for inspection at Procurement. This information will only be made public after a bid opening or after a contract award in an RFP process. Some RFP and Bid documents are confidential (e.g. financial statements, litigation records, etc.) Records requests for information identified as confidential by bidders/proposers as approved by the City Attorney will not be considered a Public Record unless the provisions of the Colorado Open Records Act require otherwise.

4.03 Expediting

If needed, a Department can request expediting through the City process. Purchasing will expedite an existing order with a Vendor, if necessary, and can also assist with any problems arising with a Vendor.

4.04 Receiving and Returning of Materials

All goods received should be checked for freight damage, completeness of the order and correctness. If deliveries are made to you, check the condition of the goods for freight damage prior to acceptance from the freight company. If the shipment is visually damaged, all damage should be noted on the freight bill. If there is no visual damage, and you cannot inspect the delivery immediately, the delivery ticket can be signed but a notation must be made that the shipment is accepted subject to inspection. This protects you and the City and provides time to unpack and properly inspect and count the items. However, the delivery should be inspected within 5 days of delivery to protect the City's legal remedies available relative to damaged goods.

Once the items are accepted, the invoice, may be processed for payment. If, for any reason, goods are returned to the vendor, Procurement and Accounting should be notified. Adequate records of all transactions must be maintained by the department. When the corrected order is received. The delegate responsible for the services or goods is required to process the payment request verifying receipt.

CHAPTER 5 PURCHASING AND PURCHASE ORDER CYCLE

Purchase Orders are required for all purchases of materials and services with an expected expenditure of \$10,000 or more, unless previously approved by the Senior Procurement Agent. The Purchase Order Form should be approved by the Project Manager (up to \$2,499), Department Director (\$2,500 to \$9,999), Finance Director (\$10,000 - \$24,999), and City Manager (\$25,000+). Other items or purchases under \$10,000 are paid by completing a "Payment Request" form, and sending to Accounts Payable.

The general purchasing cycle can be divided into seven basic steps:

	<u>Responsibility of:</u>
1. Budget Identified	Originating Department
2. Purchase Order Form	Originating Department
3. Pricing	Procurement or Originating Department
4. Ordering	Procurement or Originating Department.
5. Receiving	Procurement or Originating Department
6. Paying	Originating Department and Accounting
7. Disposal of surplus and/or obsolete stock	Originating Department, Procurement and Accounting

The originating Department completes the first two or three steps. Step 4: Procurement issues a Purchase Order and sends it to the originating Department to complete the order. Completing the order requires phoning, faxing, emailing and/or mailing the Purchase Order to the vendor. Procurement will always coordinate with the Project Manager on who will present the Purchase Order to the vendor. Step 5: Originating Department. Step 6: Originating department and Accounts Payable. Step 7: Originating Department and Procurement & Accounting. Please notify Procurement **before disposing of any** item. At each step, other Departments may also become involved.

The remainder of this manual is organized to explain in greater detail each step in the Procurement/contracting cycle and to explain common purchases, bid purchases, Request for Proposals (RFP), Grant Funded Projects, emergency purchases and the sale of surplus property, etc.

5.01 Department Responsibilities

The requesting Department is responsible for completing the requisition/procurement form including the expense amount and GL account code (and activity code if needed), complete description, vendor name and contact, and submitting it to Procurement with the informal bid/proposal/quote information if the purchase is under \$75,000. If you do not know vendors, please send the requisition/procurement form and attach a brief written request for Procurement to research vendors and conduct the informal bid/proposal/quote process. Any supplemental or detailed specifications and/or scope of work information should be forwarded to Procurement, preferably via e-mail in "MS Word" format.

If an exception to the Competitive Process is requested, please explain this in a memorandum and attach it to the Purchase Requisition. All waivers of the formal solicitation process must be approved by the City Manager, in the form of a signed Sole Source Memorandum. Please include all pertinent data, alternate sources investigated, and reasons why the exception is being

requested. Independent research will be conducted by Procurement and proper approvals will be initiated. If you have questions about the formal process waiver, please contact Procurement.

5.02 Procurement Responsibilities

Procurement will review all Procurement requests, and proceed according to procurement procedures, policies and other applicable Procurement practices, to order goods or services requisitioned in a timely manner.

All justifications to Procurement and the City Manager for sole sources, waivers, etc. must be submitted to Procurement staff **prior** to award of the purchase or contract.

Procurement staff, with the assistance of the requesting Department, will prepare and/or compile all bid and/or proposal documents, with the exception of public works projects, unless specifically requested, including the final specifications. Often these documents are prepared by outside consultants, engineers or architects. A copy will be forwarded to the Department for review immediately before the bid or proposals are distributed on Bidnetdirect.com. Any clarification or changes need to be forwarded to Procurement immediately. Changes made after posting, will be transmitted to the vendors by a written Addendum from Procurement.

5.03 Timetables

Under \$10,000- Department may purchase independently unless a contract or terms and conditions are involved.

\$10,000 to \$75,000 depending on complexity of items purchased

Quotes <i>without</i> Terms & Conditions:	PO issued within one (1) week.
Quotes <i>with</i> Terms & Conditions:	PO issued within six (6) weeks.

For any services where there is legal risk to the City, a written contract is recommended even if the amount of contract is \$10,000 or less. Procurement assists in contract development and coordinates the execution process. Procurement has preapproved contract templates to assist in creating these contracts.

Over \$75,000 - purchases/contracts

Formal bids/proposals: Advertised and sent out to vendors/contractors within one week; bids/proposals received in two to three weeks from date sent; Purchase Order issued, and contract executed upon receipt of Department recommendation. Total process can usually be completed within 45 days. After award, Contractor is generally given up to ten (10) days to obtain bonding, insurance, etc. and return signed contract documents after the date of award.

Contracts: All contracts must be signed by the City Manager utilizing the Contract Execution Form (CEF) - both the CEF and contract must be reviewed by the Senior Procurement Agent, Project Manager, Department Director, City Attorney and Finance Director. Procurement facilitates the reviews and collects signatures on the CEF and including the City Manager's signature, and vendor's signature.

A Purchase Order is issued (if requested) after all signatures on contract documents have been obtained. Unless required by a state, federal or other granting agency or business, standard, approved City contract forms should be used for all contracts.

CHAPTER 6 SPECIFICATIONS

Before any purchase can be made, Procurement needs specifications detailing the Department's requirements on the item to be purchased. This can be as simple as a description including acceptable manufacturer's information, or as complex as detailed specifications listing performance standards, technical requirements, etc. Whenever possible, Life Cycle costing will be incorporated into the bidding procedure. If Life Cycle costing is to be applied, necessary documents and formulas should be included with the bid documents. Criteria for selection should be reviewed for the specific project or purchase.

All specifications should be clear, free of ambiguity, conform as nearly as possible to a nationally recognized standard description, and should provide a sound basis for fair, competitive bidding. In the case of specifications prepared primarily for the use of a specific Department or agency of the City, the specifications should be reviewed by Procurement.

For your convenience, copies of various specifications and sample RFPs are on file in Procurement internal file and available through the National Institute of Governmental Procurement (NIGP) through an internet search or other sources. These samples may be used or modified by you or Procurement for your needs.

6.01 Life Cycle Costing

Life Cycle cost bidding is a program designed to use factors in analyzing bids that may not be considered when using the "lowest bid meeting specifications" system. This system places the burden on the vendors to demonstrate to the buyer the overall value of their product.

Life Cycle costing aids you in long-range budgeting since major costs and operational expenses are determined at the time of award. It helps protect the buyer from the costs of unexpectedly high repairs and gives them an evaluation of product quality as well as prices.

Life Cycle costing enables a bid to be flexible in consideration of all pertinent factors of the bid, such as energy consumption, noise levels, parts and labor costs, service, trade-in or auction value, and replacement costs, etc.

To effectively use Life Cycle costing in our bid procedures, we include a formula similar to the following example as a part of our specifications. This enables us to determine the true total cost of our bid prior to award.

Example:

Formula for gas consumption using the EPA label located under the hood or in the engine compartment of vehicles.

**Price per gallon of gasoline (\$3.775) x expected vehicle life (60,000) miles ÷
Current year EPA Combined MPG value**

This dollar amount is then added to the base price of the vehicle for total award amount.

Another example of Life Cycle costing is using guaranteed maintenance and guaranteed repurchase amounts to determine the lowest total cost. The formula for this is:

	Unit price
PLUS	Maintenance price
MINUS	Repurchase price
PLUS	<u>Time value of money</u>
EQUALS	"Total" Cost

6.02 Department Responsibilities

Department is responsible to prepare technical specifications and review all specifications prior to the solicitation and before bid opening or proposal deadline.

6.03 Procurement Responsibilities

Procurement will work with Department to develop clear, concise specifications and ensure that competition is encouraged, consistent with the quality required and in compliance with all applicable laws and regulations. All formal solicitations will be coordinated through Procurement in close cooperation with the user Department. Many formal solicitations will involve the use of professional services from licensed architects, engineers or other consultants. The City may delegate the bid/proposal process to a professional service provider following the appropriate City, state and federal regulations, laws, and process.

6.04 Exceptions to Competitive Process

Miscellaneous exceptions: A contract for materials, professional services or other services may be awarded without competition if Procurement, the Department Director and City Manager, determines in writing that one (1) or more of the following conditions exists:

1. There exists only one responsible source and no other supplies or services will satisfy City requirements.
2. Although there exists more than one (1) responsible source, a competitive process cannot reasonably be used or, if used, will result in a substantial cost to the City, will otherwise injure the City's financial interests or will substantially impede the City's administrative functions or the delivery of services to the public.
3. A particular material or service is required to maintain interchangeability or compatibility as a part of an existing integrated system.
4. A particular material or service is required in order to standardize or maintain standardization for the purpose of reducing financial investment or simplifying administration.
5. The material is perishable.
6. The material qualifies as an object of fine art.
7. Time limits the City's ability to complete a formal bid/proposal process.

8. A particular material or item is required to match materials in use, so as to produce visual harmony.
9. A particular material is required to enable use by specific individual.
10. A particular material is prescribed by a professional advisor/consultant.
11. The material, professional service or service is the subject of a change order.
12. Waiver of the competitive process is found to be in the best interests of the City and the public.

CHAPTER 7 VENDORS

Unless otherwise authorized, all City contracts and purchases over \$75,000 will be awarded by an advertised competitive bid or proposal process as outlined in this manual. Prior to contract award all vendors are subject to a debarment search on the System for Award Management (<https://www.sam.gov/SAM/>) website. No contract will be awarded to a debarred vendor.

7.01 Vendor Listing

The City of Steamboat Springs does not have an automated Vendor Listing computer program. Unless the competitive process has been waived by the City Manager, all purchases over \$75,000 will be advertised in the local newspaper/s, and on the "Bid Postings" page of the City Website (<http://co-steamboatsprings2.civicplus.com/bids.aspx>). The full bid will be reviewed by vendors at <https://www.bidnetdirect.com/colorado/cityofsteamboatsprings>. It is the responsibility of vendors and contractors to monitor such advertisements. Vendors can email procurement Department to get on a distribution list for each solicitation. Vendors can add their email to the distribution list located on the City's website.

7.02 Other Methods of Source Selection

The City of Steamboat Springs will use various methods to find vendor sources. We welcome vendor information, but we have no automated method of combining and maintaining source information.

7.03 Cooperative Purchases/Contracts

The City is authorized to participate formally or informally in cooperative purchases through other government or non-profit agencies. Examples include, but are not limited to, the State Bid Contracts (office supplies, vehicles, paper products, etc.), The Colorado Multiple Assembly of Procurement Officials (MAPO), US Communities, Sourcewell, and Piggyback bids on other government bid and RFP processes. These cooperative purchases may also apply to state and federal grant-funded projects (e.g., transit buses, vehicles, heavy equipment, etc.). Granting agency approval for piggyback or cooperative purchases must be received in writing prior to issuing a Purchase Order or contract.

7.04 Removal or Suspension from Vendor's List

The City has a procedure to be followed in the event a vendor is to be barred from bidding to the City. For any contract the procurement Department runs a SAM.GOV report to see if a vendor is on a disbarred list. A written memo relative to the complaint or problem with a vendor should be forwarded to Procurement. The vendor will be contacted for resolution of the problem by Procurement. If no satisfactory solution can be found, the vendor may be precluded from bidding on future City needs. Procurement will keep an internal folder of any vendors that may fall on the disbarment list.

7.05 Special Vendor Listing/Solicitation

The City follows the appropriate state and/or federal procurement/contracting regulations for grant funded projects. We often require special information or certification from vendors/contractors to document qualifications for Disadvantaged Business Enterprise (DBE), Emerging Small Business Enterprise (ESB), Equal Employment Opportunity (EEO), etc. Vendors are responsible for providing all documentation to meet grant compliance requirements. Procurement is available to assist vendors, suppliers and contractors in obtaining certification as a DBE or ESB. We encourage DBE and ESB vendors to compete for City business. We actively advertise for DBE/ESB vendors and provide information on certification eligibility through such agencies as the Colorado Department of Transportation (CDOT), Federal Transit Administration (FTA), Federal Aviation Administration (FAA), etc. Vendors are encouraged to contact Procurement for information on special listings and qualifications.

CHAPTER 8 PROCUREMENT PROCEDURES AND REQUIREMENTS

8.01 Payment Requests and Dollar Limits

Departments may purchase individual items or groups of items, up to \$10,000 using a Payment Request Form. Payment Requests are designed for the convenience of the Department because they circumvent formal Procurement procedures and they do not encumber a Department budget. They still require the appropriate Department level approval. Payment request would not apply where there is legal risk to the City, i.e. involving terms and conditions, Procurement involvement is necessary even if the amount of contract is \$10,000 or less.

8.02 Purchase Order Forms

A Purchase Order Form for any purchase over \$2,500 shall be approved by the Department Delegate and forwarded to Procurement. Any Purchase Order form over \$75,000 requires a formal bid/proposal process or written waiver approved by the City Manager, and all the appropriate approval signatures. (i.e. Dept. Director, Finance Director, City Manager)

The project manager submits the Purchase Order Form to Procurement, completing all required information, including GL code and Activity code if applicable, a complete description of the item, vendors solicited, etc. All quotes should be attached. If the purchase is considered a permitted exception to the competitive bidding process, an explanation shall be attached in memo form so Procurement can explain and justify the exception to the City Manager and seek written approval from the City Manager prior to contract award and/or Purchase Order.

Upon receipt of the Purchase Order Form in the Procurement office, it will be screened for accuracy and completeness. Procurement staff will proceed according to the Procurement policies and practices to procure the goods or services requested. In the case of an Exception to the Competitive Process, Procurement will research the justification for the exception and either approve or deny the written request to the City Manager. The City Manager will have final authority on waiving the competitive bid/proposal process. If other sources and/or equivalent products are found, or the competitive waiver is denied, the Department will be notified and the competitive process will be initiated by Procurement.

8.03 Purchase Order

A Purchase Order (PO) becomes a legally binding contract to purchase goods or services from a specific vendor after that vendor accepts the order. Very often a PO references a bid/proposal, contract and/or information on the Purchase Order Form. After the Purchase Order Form is completed, fully signed, a PO will be issued by Procurement. The PO is then distributed to the requestor and stored in the City's document management system. Departments should also document any unacceptable vendor performance in an email to Procurement. Procurement is available to assist Departments in documenting vendor performance or any other issue associated with vendor relations or a Purchase Order.

8.04 Payment Authorization (Payment Requests)

Payment Request Forms are used for all Payment Authorizations except Purchasing Card purchases. Purchasing Card purchases are authorized based on the Finance Purchasing Card Policy.

8.05 Competitive Bids and Proposals

The procedure by which bids and proposals are invited and awards are made is the primary function of Procurement and Contracting. The opportunity to bid and submit proposals is generally unrestricted and current information regarding the City's requirements is readily available to any vendor requesting it. All City purchases over \$10,000 will be subject to some form of competition, either by verbal or written quotations from two or more vendors. Items over \$75,000 require a formal process including advertising and written bids or proposals. All formal Invitation for Bids (IFB) and Requests for Proposals (RFP) will be coordinated and issued through Procurement.

The City of Steamboat Springs has the right to accept a competitive bid covering a period of more than one (1) year. The contract will be written for one (1) year, with the right to extend for up to four (4) more years. This allows the City to more easily end the contract for non-performance or other factors. Project awards will generally not go into a sixth (6th) year without going out for another formal competitive process. Software that has a long implementation timeline would be an exception to going longer than 5 years without a competitive bid, due to the resources and time needed for City staff to change platforms/vendors.

Often grant funds are involved in the competitive bid or proposal process. It is essential that the user Department provide all grant information prior to advertisement. Often state and federal procurement regulations require different methods, documentation, advertising and dollar limits for competition. Procurement must coordinate any and all procurements and contracts involving grant funds of any kind or amount to ensure OMB Uniform Guidance is followed. The Build America, Buy America Act (BABAA) must be followed when required for grants. This is in

accordance with the memorandum issued by the Office of Management and Budget (OMB) on April 18, 2022. <https://www.rd.usda.gov/build-america-buy-america>

8.06 Types of Solicitations

When documenting verbal quotes in conversations with vendors, please include name of vendor, contact name, position, date and time of conversation and pricing information for Procurement.

Written quotations must be obtained for any purchases with detailed specifications or in excess of \$10,000. Written quotations for items under \$75,000 will not be advertised as a legal notice in the newspaper. Pricing information will not be released until after the quotation deadline, at which time all records become public information unless information has been submitted as confidential and approved as such by the Department Director and/or City Legal Department.

Formally advertised and written bids and proposals will be conducted for any items, projects or services with a purchase amount greater than \$75,000. An Invitation for Bid (IFB) or Request for Proposal (RFP) will be advertised and issued which will include the date and time set for the bid opening or proposal deadline and all procedures, conditions and terms applicable when submitting a bid or proposal. The invitation or request will also provide a description of the materials and/or services to be supplied.

Legal public notice of the bid or proposal solicitation is made through advertisement in the local newspaper, Steamboat Pilot & Today. Regular advertisements may also be placed in the Steamboat Pilot & Today, and/or other publications may be used if deemed necessary by the using Department or Procurement. Additional advertising in other newspapers or publications will be paid by the user Department (e.g., Dodge reports, Denver Post, specialty publications, etc.). Information will also be published on the procurement page of the City's website for each bid.

Written addenda will be issued for clarification or changes to the original bid or proposal specifications with sufficient time allowed prior to the bid opening. Only Procurement or Public Works is authorized to issue addenda.

Invitations for Bids (IFB) are opened publicly, and bid openings are accessible to all interested parties for an IFB. As bids are opened for IFB, the bidder's name, the amount of the bid and such other relevant information as required will be read aloud and recorded on the bid tally form. The bid tally form and all copies of the bids will become public record and open to public inspection upon request. Requests for proposals & requests for qualifications are not available for bid openings. Vendors must make "a public records request" on the City's website for additional information on other proposals.

Mistakes in bids/proposals may be corrected by the bidder in Bidnetdirect.com; no correction will be allowed after the opening unless the error is obvious on the face of the bid. In the case of an extension mistake, unit prices will prevail over the extension. The City generally provides estimated quantities in bid/proposal documents and reserves the right to change quantities, at its discretion, after field verifications. The City always reserves the right to delete specific bid items or adjust quantities to coincide with available funding as total projects costs cannot be more than the available funding. The City always reserves the right to reject any and all bids, to waive irregularities in bidding and to accept the bid or proposal that best serves the interest of the City.

Bid and proposal evaluations will be conducted based on the requirements and selection criteria set forth in the Invitation for Bid (IFB) or RFP. The initial review for compliance will be performed by Procurement and/or Public Works and copies of all bids with the bid tally form will be forwarded to the Department for final review and recommendation for award. Awards are offered to the lowest responsible and responsive bidder whose bid meets the requirements and selection criteria

set forth in the invitation for bid. Price is important, however, overall value, service, guarantees, warranties, and “long-term” costs to the City are generally the primary considerations. The City evaluates the total cost of commodities and services, including, but not limited to, initial and long-term costs and ongoing service, quality, standardization, future repurchase or trade-in value, space limitations, esthetics, operational costs, safety and health features, schedule and/or delivery time, past performance, vendor qualifications, direct and indirect staff time associated with a purchase or service, etc.

Yearly contracts are coordinated by Procurement (refuse collection, janitorial services, gravel and hauling services, office supplies, facilities maintenance, landscape maintenance, etc.). Copies of any annual bid/proposal documents are available from Procurement. City Departments shall secure goods and/or services from the selected vendors for these annual or long-term contracts to enable us to ensure quality products and services, standardization, and delivery to every Department.

8.07 Bid Protest Procedure

1. Filing a Protest and When to File:

Protest must be submitted in writing and received by the Finance Director within three (3) business days after the aggrieved person knows or should have known of the facts giving rise thereto. Protests based upon restrictive specifications or alleged improprieties in any type of solicitation, which are apparent prior to bid opening or the closing date for receipt of initial proposals, must be submitted no later than three (3) days prior to bid opening or the closing date for receipt of initial proposals.

Upon receipt of a written protest, the City shall not proceed further with the solicitation or award of a contract until the protest is resolved by Finance Director or City Manager, unless the City Manager makes a written determination that the solicitation process or contract award must be continued without delay in order to avoid immediate negative consequences to the public health, safety or welfare or that the delay will cause serious service or financial damage to the City, and the public.

2. Subject of Protest.

Protesters may file a protest on any phase of solicitation or award, including but not limited to specification or award. Protesters may **not** challenge the evaluation criteria or the relative weight of the evaluation criteria or the formula for making an award determination.

3. Protest Documentation

The written protest includes, as a minimum, the following:

- a. The name and address of the protester
- b. Appropriate identification of the procurement
- c. A statement of the reasons for the protest, vendors have to submit a proposal to have the right to protest. Outside parties are not allowed to protest bids.

- d. Any available exhibits, evidence or documents substantiating the protest.
- e. If federal funds are involved, include notice that the federal granting agency may entertain a protest that alleges the grantee failed to have or follow written protest procedures.
- f. If federal funds are involved, include notice that a protest must be filed with the federal granting agency not later than five (5) days after the grantee renders a final decision or five (5) days after the protester knows or has reason to believe that the grantee has failed to render a final decision.
- g. Filing Fee. The written protest must be accompanied by a filing fee in the form of a money order or cashier's check payable to the City in an amount estimated to cover the actual costs of the administrative time required to conduct the protest process. The City reserves the right to charge for any protest. A minimum of \$100 based on \$50 per hour of City staff time spent responding to the protest. We estimate a normal protest will require between 2 and 20 hours to process. If the Finance Director or City Manager upholds a protest, as applicable, the filing fee shall be refunded to the protestor. If the protest is denied, the filing fee shall be retained by the City in lieu of payment of costs for the administrative proceedings as prescribed below.

Decision

The Finance Director will communicate a decision, in writing, on a protest within five (5) working days after receiving all relevant, requested information. The decision informs the protester their right to appeal to the City Manager within five (5) working days. Within seven (7) working days of receiving an appeal to the City Manager, the City Manager will render a decision or state the timeframe for the protest review. The City Manager's decision is final.

Withholding of Award

When a protest has been filed before award, the City will not make an award prior to the resolution of the protest, and when a protest has been filed before the opening of bids, the City will not open bids prior to the resolution of the protest, unless the City determines that:

- 1. The items to be procured are urgently required.
- 2. Delivery or performance will be unduly delayed by failure to make the award promptly.
- 3. Failure to make prompt award will otherwise cause undue harm to the City and the public.

When a protest has been filed after award, the City will not terminate or cancel any contract or Purchase Order issued to another vendor, unless it is determined by the City Manager that the award should be canceled and the project/purchase canceled, readvertised and bid or any other option in the best interests of the City.

8.08 Bartering

Department Directors, Managers and anyone else who is authorized to purchase for the City are responsible for carrying out their programs with regard for economy, efficiency and effectiveness.

Occasionally this means that a non-monetary transaction (bartering) may be worth pursuing, because it will bring about a greater benefit to the City than its monetary equivalent.

This policy requires that any non-monetary transaction (bartering) must be identified as a City financial transaction, with expenditures and revenues accurately and completely accounted for, and processed through the City Finance Department as if it was a monetary transaction. Bartering for advertising must follow the Advertising Policy in section 8.09.

8.09 Advertising

Advertising on City property or in City publications is sometimes used as a means to generate income for a program or facility, or to promote information about particular types of services or products to the public. In general, any opportunity provided for a non-City organization or business on City property, at a City function (sponsorship), or in any City media publication (e.g., City website, Department brochures, website, etc.) to promote a commercial business or transaction to the public should be considered advertising, and should be reviewed in accordance with this policy.

Appropriate Use of Advertising

The inclusion of advertising on City property or in City publications, including the City's website, has the effect of merging the identification of that City property or publication with the advertiser. Consequently, in instances in which the City is acting in a regulatory or clearly governmental role, advertising is generally inappropriate. To the extent the City uses property for specific purposes, or produces a publication to promote particular activities or concerns, advertising compatible with and in support of those purposes or activities may be appropriate.

It is important that the scope of the advertising considered compatible or supportive of the City's purposes in connection with a particular property or publication be clearly defined. It is further important that the City does not discriminate among advertisers who fall within the appropriate scope of advertising (e.g., radio stations, newspapers, TV stations, magazines, etc.) The specific occasions and locations on which advertising will be allowed, and the range of the advertising to be permitted, should be determined by the appropriate Department Director with final approval by the City Manager. Written agreements should be developed and approved by the City Manager for the scope of the advertising (place, length of time, type of product, size, etc.) **regardless of value** given to the City for the advertising. Sponsorships in exchange for advertising, that have an estimated value of \$10,000 or more, should be offered to the general public, in the same way as any other Request For Proposal, so there is no perception of favoritism for sponsorships and advertising using public facilities or publicly funded publications.

Types of advertising generally prohibited are:

- Advertising that primarily conveys a political, religious ideological or other non-commercial message.
- Advertising that promotes illegal activities or transactions.
- Advertising that is misleading or deceptive or that constitutes a public nuisance.
- Advertising of products or services inappropriate for minors or available to adults only, by law (e.g., alcohol, tobacco). Unless previously approved by the City Manager in a specific contract. (e.g., Rodeo Grounds, Transit Buses, etc.)

- Advertising of products or services primarily related to sexual or violent activities or practices, or advertising of any product or service in a manner that is sexually suggestive or that displays violence or is inappropriate for minors.
- Any advertising reasonably determined to be inconsistent with the above-stated objectives of the City's Advertising Policy.

8.10 Local Preference Policy

The City's procurement policy for local preference may apply to the competitive process on purchases of over \$10,000. This policy does not apply to purchases involving federal funds, cooperative purchases, or emergency purchases. Local is defined as any principal place of business located in Routt County. Local bidders shall receive a 10% preference over other bidders or \$5,000 (whichever is less). This preference will only be applied when quality, delivery time, and services are essentially equal. Vendors seeking local preference must meet all specifications and requirements in the bid documents or requested quotes. The Procurement division retains the right to award quotes/bids to the vendor who best serves the interest of the City of Steamboat Springs and the public.

CHAPTER 9 CONSTRUCTION CONTRACTS

9.01 Construction Contracting Procurement

All engineered construction contracting over \$75,000 is completed through the formal bid/proposal process and is generally under the direction of the Public Works Department. All building construction contracting over \$75,000 is coordinated through the formal bid/proposal process under the direction and coordination of the Procurement & Contracting Division. Departments should use the standard documents approved by the City Attorney, Public Works, and Procurement unless approval is granted to use other documents. Specifications are provided to Procurement by the Department Project Manager. In the case of grant-funded projects, it is important to coordinate early with Procurement for all aspects associated with the project (e.g., architect selection, grant contract terms and conditions, funding schedule, etc.).

Construction bids are administered much the same as a formal bid. Bid and proposal solicitation, opening, and selection may be contracted to a private consulting engineer or architect for the project. After evaluation and contractor selection, according to the bid/proposal documents, the Notice of Award is forwarded by Procurement to the awarded contractor for signature, bonding and insurance certificates. The Contract Execution Form documents are then reviewed and signed by the Senior Procurement Agent, Project Manager, Department Director, City Attorney, Finance Director and City Manager, after all the proper documentation is returned. The Purchase Order for the contract is issued after execution and distribution of the completed contract documents.

The City may utilize a pre-qualification process for certain projects. The City will determine these projects on a case-by-case basis. Generally, a pre-qualification process is used with large or complex construction jobs where special expertise and/or experience, specialized workforce, limited construction time allotment, or substantial financial and/or bonding capabilities are required to complete a major capital project. The pre-qualification process is similar to the formal Request for Qualifications/Proposal process for professional services, Construction Managers, Construction Manager/General Contractor, or any qualifications-based selection. The scope of work, professional requirements, financial capabilities, documented experience and other criteria

will be carefully evaluated to determine those contractors qualified to submit formal bids/proposals for a specific project.

9.02 Bid Security & Retainage Withheld

The intent of a Bid Bond or Bid Deposit is to protect the City against the possible withdrawal of bids submitted by a vendor/contractor.

At the time of the bid opening, a Bid Bond in an amount predetermined by Public Works or the Department Director is required; if the lowest responsible bidder is awarded the project but doesn't enter into a construction agreement, this bond (normally five percent of total bid) will be relinquished to the City. When the contract award is complete, Bid Bonds for all unsuccessful Bidders are returned. Upon receipt of the Performance and Payment Bonds and contract documents from the successful Bidder, its Bid Bond is also returned.

Unless otherwise provided in the Supplementary General Conditions, an amount equivalent to five percent (5%) of the amount shown to be due the Contractor on each application for payment shall be withheld as Retainage until one hundred percent (100%) of the work required by the Contract has been performed.

A Contractor remains fully responsible for a Subcontractor's work and assumes any risk that might arise by virtue of the partial release to the Subcontractor of the withheld percentage, including the risk that the Subcontractor may not have fully paid for all materials, labor and equipment furnished to the Project.

The City will advertise in the local paper a retainage release of the construction project in the legal section for two weeks after the project is completed. Subcontractors will have this time to contact the Senior Procurement Agent with any payment disputes. If no contact is made and the City agrees the project has been completed satisfactorily, the full retainage amount withheld will be released to the Contractor.

9.03 Performance and Payment Bonds

Performance and Payment Bonds in the amount of one hundred percent (100%) of the contract amount are required (within 10 days after the contract execution), on Construction contracts over \$50,000 or as required by Colorado Revised Statutes 38-26-105. A bid bond must be presented at time of submission for 5% of the total cost of the contract for construction work over \$50,000.

9.04 Insurance Requirements

Insurance certificates showing coverage as requested by the City are required before or at the time of contract award. The standard set by the City is \$1,000,000 combined single limit bodily injury and property damage but is predetermined by the scope of the project. Coverage requirements may vary and will be established in the bid/proposal documents.

9.05 Administration of Contract Documents

The designated Project Manager as established in the contract documents handles administration of the Construction contract. Grant-funded projects should have a designated Project Manager to coordinate grant reporting and reimbursements even if the reporting is handled by another Department e.g. Finance, Deputy City Manager's Office). It is the responsibility of the designated

Project Manager to coordinate with the appropriate City Department for project administration including all required reports and reimbursement requests. Procurement must be involved in all grant-funded projects with the exception of those engineered projects coordinated through Public Works.

CHAPTER 10 REQUESTS FOR PROPOSALS / REQUEST FOR QUALIFICATIONS

PROFESSIONAL AND OTHER SERVICES PROCUREMENT

All proposals for professional services (Engineering, Architects, Graphics Design, Planning Consultants, Construction Managers, Concessionaires, etc.) over \$75,000 are completed through the Request for Proposal (RFP) or Request for Qualifications (RFQ) process. The City often uses the RFP process for selecting Construction Manager/General Contractor (CMGC) on large or complex projects where there are advantages to having the General Contractor be involved in project pre-planning, design, partnering, etc. In the case where limited specifications or performance specifications are available, the RFP/RFQ process is often used for other services, commodities and/or projects.

With the exception of Public Works projects, Procurement will lead in the development of the RFP/RFQ documents, advertising, vendor solicitation, etc. The requesting Department will be asked to provide scope of work, special conditions, specialized or technical specifications, and evaluation criteria for selection, etc. Requesting Departments should include a detailed description of the scope of work, project schedule, vendor selection process, contract administration, and any other specific requirements of the project. The RFP/RFQ process can take several weeks depending upon the complexity and/or size of the project or service required. Pre-proposal conferences may be mandatory or optional and will be specified in the RFP/RFQ documents.

10.01 Proposal Evaluations

Proposal evaluations will be conducted based on the requirements set forth in the RFP/RFQ. Procurement will perform the initial review for compliance and copies of all proposals will be forwarded to the Department for final review, evaluation per the criteria and process outlined in the proposal documents, and recommendation for award. Awards are issued to the most responsive, qualified vendor/professional whose proposal meets the requirements and criteria set forth in the RFP/RFQ. Price may be, but is not usually, the main factor in selection of a vendor or award of a contract pursuant to an RFP/RFQ. Vendor qualifications, past experience, professional references, financial capacity, project approach, response to the RFP/RFQ, project timing, and other criteria, are considered most important and generally before price is discussed. In grant-funded projects, there may be evaluation criteria for preferences or goals set forth in the federal regulations (e.g., Disadvantaged Business Enterprises (DBE), Emerging Small Business (ESB), Veterans, etc.).

10.02 Receipt, Opening, Recording

RFP/RFQ proposal responses are not considered public information until a selection and contract has been awarded. Then the selected proposal will become a part of any contract or Purchase Order issued for the RFP/RFQ. Some information provided to the City in proposal documents may be designated in writing as confidential (e.g., financial statements, payroll or labor documents, litigation reports, etc.) A statement of confidentiality must be received from the contractor/vendor before or at the proposal deadline. The Senior Procurement Agent and City

Legal Department will examine the information to determine the validity of any requests for nondisclosure or trade secrets or other proprietary data identified in writing.

10.03 Proposal Discussions

Discussions with individual proposers may be held for the following:

To promote understanding of the City's requirements and the proposer's submittal, facilitate arriving at a contract that will be most advantageous to the City taking into consideration price and the other evaluation factors set forth in the RFP/RFQ. Many times, the selection process will include a public committee or other group appointed by City Council or the City Manager for the purpose of selecting the best vendor/contractor for a project or group of projects.

Conduct and Purpose of Discussion: After RFPs have been opened, discussions or interviews may be held with those Proposers determined to be most responsive. Discussion may be held to clarify requirements and to make adjustments to services to be performed and in costs and/or prices. Disclosure of any information derived from competing proposals is prohibited. Any changes to the proposal, technical aspects, scope and/or costs, shall be submitted/confirmed in writing by the Proposer/Contractor.

10.04 Best and Final Offer (BAFO)

Best and Final Offers (BAFO) may be obtained if the City and/or evaluation committee determines that additional information is necessary in order to make a decision in the best interests of the City. One or more acceptable offerors must be given the same opportunity to submit a Best and Final Offer. The City will request, in writing, a Best and Final Offer (BAFO) from one or more of the proposers deemed responsive or most responsive. Procurement will coordinate this BAFO document in the same manner as an RFP/RFQ.

If offerors do not submit a BAFO, their previous submission will be considered their Best and Final Offer. Negotiations may commence with one or more of the responders to the BAFO to select the contractor/vendor that meets the evaluation factors set forth in the BAFO or previous RFP/RFQ and costs that are most advantageous to the City.

CHAPTER 11 SURPLUS SUPPLY MANAGEMENT

11.01 Procurement Responsibilities

The disposal of surplus property is another service provided by Procurement. Property is declared surplus when it is no longer practical, necessary or economical to be retained by the City. If you have furniture, equipment, scrap or supplies you no longer need, please notify Procurement.

The sale of confiscated or stolen goods is the responsibility of the Police Department, however, Procurement may assist.

11.02 Disposal Policy

Whenever feasible and economical, trade-ins can be arranged to be credited against the cost of new equipment.

Departments should submit a written description of the surplus item(s), including make, model and serial number if applicable. Also include the age, general condition and any pertinent information available.

Procurement will determine whether the item(s) can be used by another City Department, donated to a local non-profit or other government agency, and/or advertised to all Departments prior to disposal by auction or sealed bid.

Any item of property purchased with federal grant money over \$5,000 in cost requires permission from the federal granting agency prior to disposal. These federally funded items must be at the end of their useful life, or the City must repay the Federal Government based on the remaining value using straight-line depreciation. It is the Senior Procurement Agent's responsibility to verify with the City's grant Department on any grant disposals. This is to verify that all grant guidelines are followed for disposal. If there are no special provisions per the grant, regular disposal guidelines shall apply.

Departments should complete a surplus property disposal form identifying the asset if the purchase cost was \$1,000 or more and forward to Procurement, even if the item is sold or transferred to another City Department. Procurement will forward the form to the appropriate Finance staff.

Only the City Manager may approve disposal by donation of an item that has a value in excess of \$10,000. Items donated to further other communities, governments, and agencies must be documented from the City Manager.

11.03 Disposal Methods

Auctions or sales of surplus equipment, supplies or assets are held periodically. The Police Department takes unclaimed or abandoned and lost, stolen or confiscated items every year to a roller auction in Denver. Individuals interested in bidding on these items, can visit <https://www.rollerauction.com/>. Procedures for the disposal of general property other than vehicles are:

1. Establish a list of items to be disposed of, including description, how many, general condition (does it work?) and a fixed asset number, if any.
2. Forward this list to Procurement, including the account number to credit proceeds. Also, list a contact person in your office for questions.
3. Procurement will determine if the items are usable by another City Department, another local government agency, a local non-profit, etc. If not, Procurement will advertise the items for a minimum of one week to be sold to the highest bidder. City employees may participate in advertised bids for surplus property. To avoid any appearance of impropriety employees of the City may purchase items through public auction. If an employee does purchase through other avenues, Finance Director must approve the sale.
4. Departments are responsible for transporting all items to the auction site.
5. After the auction recap is received showing what was sold and for how much, you will receive a copy of the auction recap showing the portion of the proceeds deposited in the designated fund. Sealed bids are conducted when surplus

equipment is deemed specialized or of a higher value than can be realized in a disposal by auction. A combined auction with other governmental agencies for rolling stock and heavy equipment may be conducted depending upon number of items, value, etc.

6. City employees may participate in any auctions as any member of the public.

CHAPTER 12 INTERGOVERNMENTAL RELATIONS

12.01 Cooperative Bidding

It is sometimes beneficial to group the City's requirements with the like requirements of other cities, counties or agencies. This practice results in a lower cost to all entities while maintaining the integrity of each entity's bidding requirements. When cooperative bids are conducted, each entity supplies its requirements, one entity is selected to administer the bid process and awards can be determined either individually or as a total, whichever is the most beneficial to all. The City may "piggy-back" on bids/proposals of other agencies for goods and services when it is in the best interests of the City and allowed by granting agencies (e.g., bus purchases, etc.).

12.02 State Bid, MAPO, Sourcewell, Piggyback Awards

The State of Colorado, Colorado Multiple Assembly of Procurement Officials (MAPO), and other government purchasing cooperatives bid many common requirements through the year and make the award results available to governmental agencies. State Bid, MAPO, Sourcewell and other such governmental contract awards enable local governmental agencies to purchase goods and services at a reduced price due to quantity discounts and do not require the Bidding process by individual entities. The City may purchase on a piggyback method and buy goods or services awarded to other governmental agencies if such contracts and purchase agreements are in the best interests of the City.

Copies of current State Bid, MAPO awards, and Sourcewell contracts are available from Procurement and various state and MAPO, Sourcewell web sites. Utilization of State Bid and/or MAPO, Sourcewell awards does not require additional bidding and saves time and money for both the using Department and Procurement. In some cases, it is advantageous to the City to advertise for bids and/or proposals even if a State Bid or MAPO, Sourcewell contract has been awarded. Many times, the vendors for State and MAPO, Sourcewell contracts are located in Front Range/Denver locations and cannot provide the same services or pricing in Steamboat Springs.

CHAPTER 13 DISADVANTAGED BUSINESS STATEMENT (DBE) TITLE VI OF THE CIVIL RIGHTS ACT AMERICANS WITH DISABILITIES ACT (ADA)

13.01 Disadvantaged Business Enterprise (DBE)

Procurement does not maintain an active file of Disadvantaged Business Enterprises (DBE) or Emerging Small Businesses (ESB). Qualified firms supplying parts, supplies and services must submit information stating the firm's qualifications and areas of expertise. When required by

federal, state or other funding sources, special considerations are given to these firms according to the grant requirements.

The City has previously adopted and maintains a Disadvantaged Business Enterprise Program in accordance with the U.S. Department of Transportation (DOT). A copy of this Program and other grant assurance documents are available in the Procurement.

The City generally uses the certification standards to determine eligibility of firms to participate as DBEs through the Colorado Department of Transportation (CDOT). CDOT information regarding Prequalified Contractor DBE Listing can be found at <https://www.codot.gov/business/civilrights/smallbusiness/dbe>.

13.02 Title VI of the Civil Rights Act

Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) affords all individuals the opportunity to participate in federal financially assisted programs.

The City of Steamboat Springs complies with all applicable state and federal laws, rules and regulations regarding the use of public funds associated with state and federal grants to the City. The City enters into grant contracts with assurance to grant funding agencies, that the City and its contractors and suppliers shall not discriminate on the grounds of race, color, or national origin, sex, disability or age nor shall anyone based on the above classes, be excluded from participation in City business or activities. The City of Steamboat Springs's policies prohibit contractors and subcontractors from discriminating against their own employees or other subcontractors. The City also ensures equal opportunities for participation in City business and projects.

13.03 Americans with Disabilities Act (ADA)

The ADA is comprehensive legislation intended to address discrimination against people with physical and mental disabilities. An individual with a disability under the ADA is a person who:

1. has a physical or mental impairment that substantially limits a "major life activity", or
2. has a record of such an impairment, or
3. is regarded as having such an impairment.

Under the ADA it is illegal to discriminate against a qualified individual with a disability in a provision of public services or in employment. Employers must make reasonable accommodations so that individuals with disabilities can perform their jobs. All Contractors awarded City projects and Purchase Orders are required to comply with all applicable local, state and federal laws and regulations.

13.04 Complaints

If you are a member of the public, a City employee, or applicant, or a contractor employee, and you believe that you are in need of protection under Title VI, for the ADA, please contact an EEO office.

A complaint alleging discrimination against any employee, facility, contractor or program of the City may be filed by an individual or through a representative with the Director. The City's ADA coordinator is the HR & Risk Director and ADA comments, complaints or questions may be submitted directly to the Director.

Complaints will be documented to the appropriate Department, City Legal Department, funding agency, if required, etc. The City will conduct an investigation within 30 days of receipt of the complaint and report the findings to the City Manager. The City will notify the complainant of the investigation, any findings and of proposed actions. A complainant has the right to appeal the decision of the Director and/or City Manager within 10 days after the receipt of reported findings and proposed action. If the complainant remains unsatisfied with the findings or proposed action, he/she may file a complaint on the federal level. According to federal regulations, a complaint must be filed no later than 180 days after the alleged discrimination occurred. Requests of appeal must be filed, in writing, to the City of Steamboat Springs.

CHAPTER 14 PUBLIC PURCHASING ETHICS

14.01 Gifts and Gratuities

It is the City's policy that no employee shall accept nor solicit any gifts, entertainment, meals or gratuities from vendors with a value in excess of \$50.00. A gratuity means a payment, loan, advance, deposit of money, services, or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value is received.

14.02 Conflict of Interest

The holding of City government employment is a public trust and all employees shall carry out their duties for the benefit of the public of Steamboat Springs. Conflicts of interest are defined as either financial or personal in nature. A City employee is prohibited from participating in or attempting to influence a City decision when either type of conflict of interest exists. However, the City recognizes that Steamboat Springs is a small community and it is very likely that conflicts will exist. A conflict is considered to exist in procurement of goods or services over \$1,000, and/or any contract over \$1,000, from an employee, employee's spouse or immediate family member.

In the case of federally funded grants a City employee shall not participate in the selection, award, or administration of a contract if he or she has a real or apparent conflict of interest per the Uniform Guidance §200.318.

The existence of a conflict does not necessarily mean the City is precluded from doing business with an individual or company identified with a real or perceived conflict (e.g., spouse or family-member owned business). Policy requires that disclosure be made to the City Manager with a recommendation that proceeding with the procurement where a conflict of interest exists, is in the "best interests" of the City. When a conflict of interest is identified, the requesting Department and/or employee must immediately declare such interest by delivering a written statement to Procurement. If written disclosure is impractical under the circumstances, oral disclosure will suffice until a written disclosure can reasonably be filed. The decision of the City Manager in a conflict-of-interest issue involving a City employee is final.

1. Financial Interests

Essentially, an employee has a financial interest in a decision of the City when the City decision entails some foreseeable, measurable financial benefit to the employee (**a spouse-owned business may not supply goods or services valued over \$1,000 annually to the City without submitting a written conflict of interest statement to the City Manager, as an example**). The definition of financial or personal conflict of interest and the various exceptions are described in greater detail in the City Charter.

2. Personal Interests
A City employee has a personal interest in a decision when his or her independence of judgment or action in the performance of official duties would, in the judgment of a reasonably prudent person, tend to be impaired by some close relationship or association.
3. Contracts
Contracts made in violation of the provisions of the City Charter (either because they were entered into by a person having a conflict of interest or because they involved a prohibited sale or purchase) are voidable by the City. At the City's option, all or any designated portion of the monies received by a third party under the contract may have to be refunded to the City unless a written disclosure is presented and approved by the City Manager or City Council (if the conflict involves a City Council Member).
4. Sales to the City
City employees and their relatives are prohibited from having any financial interest in the sale to the City of any real or personal property, unless, after disclosure is made, it is determined, by the City Manager, that the sale is in the "best interests" of the City.
5. Purchases from the City
City employees may participate, the same as any other member of the public, in the Police Auction and publicly advertised disposal of City property (advertised bids for vehicles, equipment, etc.).
6. Disclosure
If a contract, procurement or sale is recommended where there is any actual or perceived conflict, this conflict must be disclosed, in writing, to the City Manager who will make the final decision relative to approving the procurement.
7. Approved Conflicts
Certain conflicts are acceptable for goods or services for which there is an obvious need and are provided by national companies, local non-profits, etc. Examples of such companies are as follows:
 - a. US Postal Service
 - b. Federal Express
 - c. United Parcel Service
 - d. Hospitals, medical clinics
 - e. Public or non-profit agencies. (Arts Council, Visiting Nurses, Museum, etc.)