
Sec. 2-258. Award of contracts.

Authority to award contracts:

- (1) Contracts with a total value under \$50,000.00 may be awarded by the city manager.
- (2) Contracts with a total value over \$50,000.00 shall be awarded by the city council.
- (3) Exemptions:
 - a. The city manager shall have the authority to award all contracts for capital equipment and projects specifically approved by the city council in the current year budget provided that:
 1. All purchasing requirements are met and documented and available for public inspection; and
 2. The final cost per item does not exceed the amount budgeted for the item by more than 25 percent and does not exceed \$50,000.00.
 - b. The city manager shall have the authority to award term contracts for utility department chemicals that are used in the production of water or the treatment of wastewater, and previously funded in the current year utility department operating budget and required in the day to day operation of the utility department.
- (4) Blanket/price agreement contracts shall be awarded by the purchasing/contracts manager provided that all purchasing requirements are met, documented and available for public inspection.
- (5) *Emergency procurements.* If the city manager determines that an emergency exists and a delay would be detrimental to the interests of the city, the city manager is authorized to direct the purchase of any supplies or professional or contractual services needed to protect the health, safety, and welfare of the city and its residents. The city manager shall inform the city council of the conditions and circumstances requiring such action for purchases having a dollar value exceeding \$50,000.00.
- (6) *Basis of award.* Contracts may be awarded to the lowest and most responsible bidder, as determined on the basis of the entire bid and the investigations into the bidder by the city manager and purchasing/contracts manager. When the contract is awarded by the city manager or purchasing/contracts manager, such award shall be evidenced by either a notice of award or purchase order, signed by the purchasing/contracts manager.
- (7) *Modification and withdrawal of bids.* Bids submitted in response to RFBs or RFPs may be modified or withdrawn by the bidder or proposer at any time prior to the applicable public opening date (for advertised solicitations) or due date (for unadvertised purchases). The request for withdrawal or modification should be made in writing and signed by an officer of the company. After the public opening or due date, as applicable, obvious errors that are clearly evident on the face of the bid document may be corrected by the purchasing/contracts manager and such required changes noted on the official bid tab.
- (8) The city reserves the right to:
 - a. Evaluate the current capacity of the low bidder to perform the size and scope of work specified in the contract bidding documents;
 - b. Use previous performance on similar job(s) for the city as a factor in the selection of the bidder;
 - c. To negotiate with the apparent lowest and most responsible bidder to correct obvious defects in the original bid;

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- d. To waive defects in the form of bid or to waive formalities and negotiate with the apparent lowest and most responsible bidder to such extent as may be necessary to satisfy the intent and requirements of the city's project.
- (9) In the event of a tie, the project manager and the purchasing/contracts manager shall consider the following factors including: delivery lead time, documented quality, warranty, availability of local service, cost of repair parts, contractor reputation and all other relevant information to make the recommendation of award. In instances of equal prices and all other evaluation factors being equal, the award should be made to the local proposer. All considerations used in the decision should be documented for reference. For purchases or construction agreements, the final decision on the resolution of the tie shall be made by the city manager. Protest of the recommended award shall follow the standard protest procedure.
 - (10) Any prospective bidder who desires to protest any aspect(s) or provision(s) of the bid invitation shall file a protest with the city manager in writing prior to the time of the bid opening.

(Ord. No. 11-3, § 3, 2-22-2011; Ord. No. 24-15, § 2(Exh. A), 9-9-2024)