

SPONSORED BY: MAYOR DOWNING

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1746
Series of 2011

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A BILL FOR AN ORDINANCE AMENDING SECTION 6-5-2(a) AND ADDING NEW SECTIONS 6-5-8 AND 6-5-9 TO THE NORTHGLENN MUNICIPAL CODE SPECIFICALLY AUTHORIZING REQUEST FOR PROPOSAL AND REQUEST FOR QUALIFICATION PROCESSES FOR THE PROVISION OF CERTAIN PROJECTS AND SERVICES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. Section 6-5-2, subsection (a) of the Northglenn Municipal Code is amended to read as follows:

(a) All sales and purchases of City property, of whatever kind and nature, shall be based on competitive bidding whenever the estimated cost of the same exceeds twenty-five thousand dollars (\$25,000.00). FOR THE PURPOSES OF THIS SECTION 6-5-2, THE TERM "COMPETITIVE BIDDING" SHALL INCLUDE THE COMPETITIVE SELECTION PROCESSES SET FORTH IN THIS ARTICLE 5 OF CHAPTER 6 OF THE NORTHGLENN MUNICIPAL CODE. Sealed bidding may be utilized by the use of either electronically submitted or physically submitted bids.

Section 2. The Northglenn Municipal Code is amended by the addition thereto of a new Section 6-5-8 to read as follows:

Section 6-5-8. Competitive Sealed Proposals.

(a) Procurements for the following are eligible for award by competitive sealed proposals:

(1) Materials and services when the City Manager, or the City Manager's designee, determines in writing that the use of competitive sealed bidding is either not practicable or not advantageous to the City based on the specialized nature of the materials and/or services sought by the City;

(2) Professional services; and

(3) City improvements when the City Manager or the City Manager's designee determines in writing that the use of alternative delivery methods will provide substantial benefit to the City while retaining sufficient competitive pricing and/or performance.

(b) Procurements accomplished pursuant to this Section shall be solicited through a request for proposals.

(c) Public notice shall be given and shall include the proposal title, place, date and time of proposal opening.

(d) Proposals shall be opened so as to avoid disclosure of contents to competing offerors during the process of negotiation. A register of proposals shall be maintained containing the name of each offeror and shall be open for public inspection after the award of the contract in the office of the City Clerk in the same manner as are other public records.

(e) The request for proposals shall state evaluation factors and their relative importance. Such factors may include, but are not limited to, the following:

- (1) Specific expertise in the materials or services to be provided;
- (2) Relevant experience;
- (3) Unique skills or techniques applicable to the materials or services to be provided.

(f) After proposal opening, interviews may be conducted with the highest ranked responsible offeror or offerors for the purpose of clarification and to assure full understanding of, and responsiveness to, solicitation requirements, subject to the following requirements:

(1) Offerors selected for interview shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals.

(2) Revisions to a proposal may be permitted after submissions and prior to award in order to reflect clarifications in the proposal's scope of work or contract amount.

(3) In conducting interviews, no disclosure by the City or any officer, employee or committee thereof shall be permitted of either any information derived from proposals submitted by competing offerors or of any information discussed in selecting the highest ranked offeror(s).

(4) After the contract has been awarded and a written contract executed with the selected offeror(s), the total points of the evaluation committee will be retained by the City Clerk for a period of time consistent with the City's record retention policy. Individual rating sheets and notes prepared or utilized by members of the evaluation committee shall not be made available for public inspection.

(g) The contract shall be awarded with reasonable promptness by written notice to the responsible offeror whose proposal is determined in writing to be the most advantageous to the City, taking into consideration the evaluation factors set forth in the request for proposals. No other factors or criteria shall be used in the evaluation.

(h) The City Manager or the City Manager's designee is authorized to negotiate the final price and precise scope of work with the selected offeror.

(i) In undertaking the process utilizing competitive sealed proposals, the City Manager's right to reject any or all submissions is reserved.

Section 3. The Northglenn Municipal Code is amended by the addition thereto of a new Section 6-5-9 to read as follows:

Section 6-5-9. Competitive Selection Following Request for Qualifications.

(a) Procurement for specialized goods and services as determined by the City Manager in writing shall be eligible for award by a competitive selection process following a request for qualifications under this Section, provided that the following conditions are met:

(1) The City Manager or the City Manager's designee determines that a request for qualifications process is necessary and advantageous to the City to determine the best and most appropriate contractors or vendors taking into account the specialized nature of the goods or services to be provided;

(2) The City Manager or the City Manager's designee identifies and applies criteria to determine acceptability as a contractor or vendor for the specialized goods or services to be provided, which may then be utilized to create a list of qualified bidders invited to bid in lieu of public notice for soliciting competitive sealed bids or competitive sealed proposals;

(3) There is a minimum of two (2) contractors or vendors able to be qualified to engage in the competitive selection process;

(4) The City engages in a competitive selection process as otherwise provided by the Northglenn Municipal Code.

(b) In order to initiate a competitive selection process following a request for qualifications, the City shall identify potential appropriate and qualified vendors of the goods or services to be procured, investigate and research the market for such goods or services, and identify those vendors determined to be appropriate and qualified candidates in light of the competitive and other interests of the City.

(c) The City may contact selected vendors, or may consider appropriate and qualified vendors that have initiated contact with the City, provided that a rational basis for identifying and selecting candidate vendors in view of the interests of the City is applied consistently to all vendors reasonably known to the City.

(d) The basis for final selection of a vendor under a competitive selection process, and the final terms of the contract under which goods or services shall be procured under this Section, shall each be subject to the review and approval of the City Manager, and shall contain such minimum criteria that the City Manager determines appropriate based on the specialized nature of the goods or services to be provided.

INTRODUCED, READ AND ORDERED POSTED this ____ day of _____,
2011.

JOYCE DOWNING
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

PASSED ON SECOND AND FINAL READING this ____ day of _____,
2011.

JOYCE DOWNING
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney