

MANTUA TOWN

ORDINANCE No. 2019-04-04

WHEREAS, the Town Council of the Town of Mantua, Box Elder County, State of Utah, has determined there is a need to adopt a new Competitive Bidding Ordinance, in order to more adequately protect the best interests of this municipality and its residents, and that the residents of this municipality would be better served by the adoption of this Ordinance;

WHEREAS, a Competitive Bidding Ordinance, will ensure that the Town utilizes its resources in a way that is fair to the Town, its residents, and those individuals and businesses supplying services to the Town; and

WHEREAS, a Competitive Bidding Ordinance, will promote fiscal responsibility by ensuring that the Town enters into contracts for certain enumerated services after a competitive bidding process;

NOW THEREFORE; pursuant to the Utah State Code Annotated 1953, as amended and in the best interest of the Town and its residents, the Town Council of the Town of Mantua, Box Elder County, State of Utah, hereby adopts and passes the following:

AN ORDINANCE ADOPTING A NEW MANTUA TOWN COMPETITIVE BIDDING ORDINANCE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MANTUA, BOX ELDER COUNTY, STATE OF UTAH AS FOLLOWS:

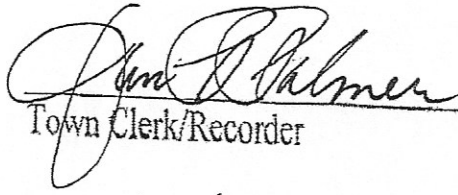
1. The Mantua Town Competitive Bidding Ordinance attached to this Ordinance, is hereby adopted and shall read and be enforced as set forth therein.
2. This Ordinance shall take effect upon its first posting as required by law.

ADOPTED AND PASSED by the Town Council of Mantua Town, Box Elder County, State of Utah, this 4th day of April, 2019.

MANTUA TOWN


Mayor

ATTEST:


Town Clerk/Recorder

4/18/19
Posting Date

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MANTUA TOWN
COMPETITIVE BIDDING ORDINANCE 2019-04-04

I. PURCHASING OF GOODS, SERVICES, EQUIPMENT, AND SUPPLIES:

A. Except for contracts or projects exceeding certain limits, as set forth in subsection II, all purchases shall be requested on purchase order forms.

B. Purchase of equipment, materials, supplies and services exceeding three thousand dollars (\$3,000.00) but below ten thousand dollars (\$10,000.00) shall be supported by at least two verbal quotations, with the exception of emergency purchases, which will be recorded on the purchase order form, or by a written, sole-source justification. Purchase of equipment, materials, supplies and services exceeding ten thousand dollars (\$10,000.00) but below fifty thousand dollars (\$50,000.00), dollars shall require requests for three written quotes with at least two being returned and filed with the purchase order form.

C. For a contract for "building improvement" or a "public works project", as those terms are defined in Section II, if the anticipated cost exceeds the limits identified in Section I, then the competitive bidding process in Section II shall be followed. For other contracts for "building improvement" or a "public works project", Section I shall govern. The Town Council may require competitive bidding on any item regardless of estimated cost.

D. The Town Council may waive the bid requirements provided herein, if it determines such action to be in the best interest of the Town and in compliance with applicable state law. (Ord. 00-02; Ord. 90-01 § 3)

E. State bid purchases will require a state bid number and other applicable information be recorded on the purchase order.

II. BUILDING IMPROVEMENTS AND PUBLIC WORKS PROJECTS:

A. The general policy of Mantua Town is that all goods, services and equipment exceeding an estimated purchase price of fifty thousand dollars (\$50,000.00) for building improvements, defined as the construction or repair of a public building or structure, and one hundred and fifty thousand dollars (\$150,000.00) for public works projects, defined to include; parks, recreational facilities, pipelines, sewer systems, water systems, roads, public trails and other such things, shall be purchased only after competitive bidding unless otherwise directed by Mantua Town Council. The Town Council may require competitive bidding on any item regardless of estimated cost.

B. The opportunity to bid should be largely unrestricted. Any attempt to eliminate or restrict competition, either through local preference or through manipulation of specifications, runs counter to this policy.

C. "Qualified bidder" means a bidder who has proven by experience or information furnished to the satisfaction of Mantua Town Council that its current financial resources,

production or service facilities, service or reputation and experience are adequate to perform in a satisfactory and responsible manner the contractual services on which the provider bids; and who has not violated any provisions of this policy.

D. All bids submitted for construction projects with a total estimated cost in excess of one hundred and fifty thousand dollars (\$150,000.00) must be accompanied by a bid bond or a cashier's check equal to five percent of the full bid amount.

E. All contracts awarded to the lowest qualified bidder for construction projects exceeding one hundred and fifty thousand dollars (\$150,000.00) must be accompanied by a performance bond furnished by the contractor equal to the total amount of the contract.

F. Each invitation to bid should include only related items or services.

G. Each invitation to bid should specify the conditions of delivery as an integral part of the contract in order that competition is focused on the delivered price.

H. Each invitation to bid shall be published in a newspaper of local distribution in at least two issues and/or mailed to at least three of the most qualified providers of the equipment, materials, supplies or services requested. Bid deadlines shall not be less than ten days following the last publication or fifteen days from certification of mailed invitations.

I. All invitations for bids shall be authorized by the Mantua Town Council. Inclusion of a specific item or service in an adopted budget shall be considered Council authorization.

J. All bids shall be sealed. They shall be opened in a public meeting in order that bidders and other interested persons may be in attendance.

K. Awards should always be made in strict accordance with written specifications.

L. Award Of Bids: Except as provided below, the Town shall accept the bid of the lowest qualified bidder. However, if the circumstances justify awarding a contract to other than the lowest qualified bidder, a full and complete statement of the reasons for accepting a higher bid shall be prepared by the official responsible for oversight of the contract or project and such statement shall be made available to the public.

M. Mantua Town reserves the right to accept or reject any and all bids, and to waive any informality in the bidding process.


N. In accordance with Utah Code Ann. § 10-5-123, the Town shall keep on file all bids received, together with proof of advertisement by publication or otherwise, for: (a) at least three years following the letting of any contract pursuant to those bids; or (b) three years following the first advertisement for the bids, if all bids pursuant to that advertisement are rejected.

CERTIFICATE OF DUE POSTING

I, Jan Palmer, Town Recorder of Mantua Town, Utah, hereby certify that the foregoing Ordinance was passed by the Town Council of Mantua on the 4th day of April, 2019, and that I caused to be posted the foregoing Ordinance No. 2019-04-04 on the 12th day of April, 2019 in Mantua, Box Elder County, State of Utah, a copy of which is hereto attached in each of the three public places in the said Mantua Town.

1. Mantua Town Offices, 409 North Main Street, Mantua, Utah 84324
2. Mantua Website townofmantua.com
3. Public Notice Website

WITNESS my hand this 12th day of April, 2019.



Jan Palmer, Town Recorder