

TOWN OF APPLE VALLEY

ORDINANCE NO. O-2026-18

REVISED PROCUREMENT ORDINANCE

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY
REPEALING ORDINANCE NO. O-2026-09 AND ADOPTING A REVISED
PROCUREMENT ORDINANCE CONSISTENT WITH UTAH CODE TITLE 63G-6a;
DESIGNATING A CHIEF PROCUREMENT OFFICER; ESTABLISHING PROCUREMENT
REQUIREMENTS, PROCUREMENT METHODS, PROCUREMENT EXCEPTIONS,
ETHICS REQUIREMENTS, SURPLUS PROPERTY DISPOSITION, AND RELATED
MATTERS.**

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, UTAH, AS FOLLOWS:

SECTION 1. PURPOSE AND AUTHORITY

The purpose of this ordinance is to establish the procurement policies, authority, and requirements governing the acquisition of procurement items by the Town of Apple Valley, consistent with Utah Code Title 63G, Chapter 6a (Utah Procurement Code).

The Town intends to:

- ensure fair and open competition whenever practical;
- obtain the best overall value for public funds;
- promote transparency and accountability;
- maintain complete procurement records;
- comply with all applicable provisions of Utah law.

Where this ordinance conflicts with the Utah Procurement Code, the Utah Procurement Code shall control.

SECTION 2. APPLICABILITY

This ordinance applies to all acquisitions of procurement items by the Town, including supplies, services, construction, and professional services, unless otherwise exempted by this ordinance or applicable law.

All departments, officers, employees, elected officials, and agents acting on behalf of the Town shall comply with this ordinance.

All procurement shall be conducted in accordance with this ordinance and the Utah Procurement Code, Utah Code Title 63G, Chapter 6a, as amended.

Nothing in this ordinance shall prevent the Town from utilizing cooperative purchasing agreements, state cooperative contracts, or interlocal agreements as authorized by Utah law.

SECTION 3. DEFINITIONS

Unless otherwise provided in this ordinance, words and phrases shall have the meanings assigned to them in the Utah Procurement Code, Utah Code Title 63G, Chapter 6a, as amended.

For purposes of this ordinance, the following definitions shall apply:

Chief Procurement Officer (CPO)

The individual designated by the Town Council to administer the Town's procurement program and perform the duties assigned under this ordinance.

Department Head

The employee appointed by the Town to supervise a department or division and authorized to initiate procurement requests within that department.

Town

The Town of Apple Valley, Utah.

Town Council

The elected governing body of the Town of Apple Valley.

Purchasing Manual

The administrative policies and procedures adopted by the Town Council or its designee to implement this ordinance.

Procurement File

The documentation maintained by the Town demonstrating compliance with this ordinance and applicable procurement requirements for a particular procurement.

Emergency Procurement

The procurement of goods or services necessary to address an immediate threat to public health, public safety, or essential Town operations when the use of normal competitive procurement procedures is impracticable.

Professional Services

Services requiring specialized education, training, professional judgment, or licensure, including but not limited to engineering, architecture, legal, accounting, planning, consulting, or similar services.

SECTION 4. CHIEF PROCUREMENT OFFICER

The Mayor shall serve as the Chief Procurement Officer (CPO) unless another individual is designated by the Town Council.

The Chief Procurement Officer shall:

- Administer the Town's procurement program in accordance with this ordinance, the Administrative Procurement Procedures Manual, and applicable law;
- Ensure procurement activities comply with the Utah Procurement Code and all other applicable laws;
- Approve procurement methods and actions within the authority established by this ordinance;
- Review and approve procurement exceptions authorized by this ordinance, including emergency procurements and sole source procurements;
- Delegate administrative procurement responsibilities as appropriate, provided such delegation is documented and does not relieve the Chief Procurement Officer of responsibility for compliance.

No Town officer, employee, or agent shall obligate the Town for any procurement except as authorized by this ordinance, the Administrative Procurement Procedures Manual, or applicable law.

SECTION 5. PROCUREMENT PRINCIPLES

Procurement shall be conducted in a manner that:

- promotes fair and open competition whenever practicable;
- obtains the best overall value for the expenditure of public funds;
- ensures procurement decisions are impartial and free from conflicts of interest, favoritism, or improper influence;
- provides transparency and accountability throughout the procurement process;
- is supported by sufficient documentation to demonstrate compliance with this ordinance and applicable law; and
- complies with all applicable federal, state, and local procurement requirements.

SECTION 6. FORMAL PROCUREMENT

Formal procurement shall be required for procurements having an anticipated value of \$50,000 or more, or such other amount as may be required by applicable law.

Formal procurements shall be conducted using an Invitation for Bids (IFB), Request for Proposals (RFP), Request for Qualifications (RFQ), or another procurement method authorized by this ordinance and the Utah Procurement Code.

Formal procurements shall comply with all public notice requirements established by applicable law.

Detailed procedures governing the administration of formal procurements shall be established in the Administrative Procurement Procedures Manual.

SECTION 7. PROCUREMENT EXCEPTIONS

Competitive procurement is the preferred procurement method. Procurement exceptions shall be used only when authorized by this ordinance and the Utah Procurement Code.

The following procurement methods may be used without competitive solicitation when authorized by applicable law:

- Sole Source Procurement;
- Emergency Procurement;
- Cooperative Purchasing; and
- Other public contracts authorized by law.

SECTION 8. SOLE SOURCE PROCUREMENT

Sole source procurement may be used only when the Chief Procurement Officer determines that the required procurement item is reasonably available from only one source or when otherwise authorized by the Utah Procurement Code.

The use of sole source procurement shall be limited to circumstances in which competitive procurement is not practical or would not serve the best interests of the Town.

Each sole source procurement shall be supported by a written determination approved by the Chief Procurement Officer and maintained in the procurement file. At a minimum, the written determination shall document:

- the basis for concluding that only one source is reasonably available;
- why competitive procurement is impracticable or not in the Town's best interest; and

- any other information required by the Administrative Procurement Procedures Manual.

Sole source procurements shall not be used for the purpose of avoiding competition or circumventing the requirements of this ordinance.

SECTION 9. EMERGENCY PROCUREMENT

Emergency procurement may be utilized only when necessary to address an immediate threat to public health, public safety, or essential Town operations.

Emergency procurement shall:

- be limited to the goods or services reasonably necessary to resolve the emergency;
- be supported by written documentation;
- identify why competitive procurement was impracticable;
- be reviewed by the Chief Procurement Officer as soon as practical; and
- be documented in accordance with this ordinance and the Administrative Procurement Procedures Manual.

Emergency procurement shall not be used to avoid competitive procurement requirements when advance planning could have reasonably prevented the emergency.

Emergency procurements that could not reasonably receive prior Town Council approval shall be reported to the Town Council at its next regular meeting.

SECTION 10. COOPERATIVE PURCHASING

The Town may participate in cooperative purchasing agreements, state cooperative contracts, interlocal agreements, and contracts awarded by other public procurement units when authorized by the Utah Procurement Code or other applicable law.

The Chief Procurement Officer may determine that the use of a cooperative purchasing agreement is in the Town's best interest when it provides a lawful, efficient, and cost-effective method of procurement.

The basis for utilizing a cooperative purchasing agreement shall be documented and maintained in the procurement file in accordance with this ordinance and the Administrative Procurement Procedures Manual.

SECTION 11. PROFESSIONAL SERVICES

Professional services shall be procured using a competitive selection process appropriate to the procurement, including a Request for Qualifications (RFQ), Request for Proposals (RFP), or another procurement method authorized by the Utah Procurement Code.

Selection shall be based upon documented evaluation criteria appropriate to the procurement, which may include qualifications, experience, cost, and other factors identified in the solicitation.

The basis for selection shall be documented, approved by the Chief Procurement Officer, and maintained in the procurement file.

SECTION 12. EXEMPT EXPENDITURES

The following expenditures are generally not subject to competitive procurement requirements because they are fixed by law, regulated, or otherwise lack a reasonably available competitive market:

- utility services;
- regulated telecommunications or internet services where only one practical provider exists;
- permits, licenses, taxes, mandatory governmental fees, and court or regulatory fees;
- professional memberships, required certifications, conferences, and training;
- intergovernmental agreements authorized by law; and
- other expenditures determined by the Chief Procurement Officer to lack a reasonably available competitive market, provided the basis for the determination is documented.

Expenditures under this section remain subject to applicable budgetary controls, authorization requirements, and documentation standards established by this ordinance and the Administrative Procurement Procedures Manual.

SECTION 13. MULTI-YEAR CONTRACTS

The Town may enter into multi-year contracts when authorized by applicable law and approved by the Town Council.

Unless otherwise authorized by law, no contract shall exceed four (4) years in duration.

Multi-year contracts shall be entered into only when determined by the Town Council to be in the best interests of the Town.

SECTION 14. ETHICS AND CONFLICTS OF INTEREST

All procurement activities shall be conducted with integrity, impartiality, and in compliance with applicable ethics laws.

No Town officer, employee, or agent shall:

- participate in a procurement in which they have an undisclosed financial or personal interest;
- solicit or accept gifts, gratuities, favors, or anything of value intended to influence a procurement decision;
- participate in a procurement when an actual or potential conflict of interest exists; or
- intentionally divide or structure procurements to avoid the requirements of this ordinance.

Any actual or potential conflict of interest shall be promptly disclosed, and the affected individual shall refrain from participating in the procurement unless otherwise authorized by applicable law.

Nothing in this ordinance shall relieve any Town officer, employee, or agent from complying with the Utah Public Officers' and Employees' Ethics Act or other applicable federal, state, or local ethics laws.

SECTION 15. PROCUREMENT RECORDS

The Town shall maintain procurement records sufficient to demonstrate compliance with this ordinance, the Utah Procurement Code, and other applicable laws.

Procurement records shall be retained in accordance with applicable federal, state, and local records retention requirements.

The Administrative Procurement Procedures Manual shall establish the documentation required for each procurement method and the procedures for maintaining procurement records.

SECTION 16. PROTESTS AND APPEALS

Any protest of a procurement decision shall be submitted in writing within the timeframes established by the Utah Procurement Code.

The Chief Procurement Officer shall review the protest and issue a written determination in accordance with applicable law.

Appeals shall be conducted in accordance with the Utah Procurement Code.

SECTION 17. DISPOSITION OF SURPLUS PROPERTY

Town property determined to be surplus, obsolete, damaged, or no longer needed for Town operations may be disposed of in a manner determined to be in the best interests of the Town.

Disposition may include, as appropriate:

- public sale;
- public auction;
- trade-in;
- transfer;
- recycling; or
- destruction when appropriate.

Property having an estimated value of \$1,000 or more shall require Town Council approval prior to disposition.

The method of disposition shall be documented and reasonably designed to obtain fair value whenever practical.

SECTION 18. ADMINISTRATIVE PROCUREMENT PROCEDURES

The Town shall maintain an Administrative Procurement Procedures Manual to implement this ordinance and promote the consistent administration of the Town's procurement program.

The Administrative Procurement Procedures Manual may establish procedures and administrative requirements, including, as applicable:

- purchasing thresholds;
- purchase order procedures;
- quotation requirements;
- procurement documentation;
- approval authority;
- procurement forms;
- contract administration;
- procurement records;
- procurement workflow; and
- other administrative procedures necessary to implement this ordinance.

The Administrative Procurement Procedures Manual may be amended administratively, provided such amendments remain consistent with this ordinance and applicable law.

In the event of a conflict between this ordinance and the Administrative Procurement Procedures Manual, the provisions of this ordinance and applicable law shall control.

SECTION 19. REPEALER

Ordinance No. O-2026-09, entitled “An Ordinance of the Town Council of the Town of Apple Valley Adopting Procurement Procedures Consistent with Utah Code Title 63G-6a, Designating a Chief Procurement Officer, Establishing Procurement Requirements and Thresholds, Providing for the Disposal of Town Property, and Repealing Prior Purchasing Policies Adopted by Resolution,” adopted on March 18, 2026, is hereby repealed in its entirety and replaced by this Ordinance No. O-2026-18.

All other ordinances, resolutions, policies, or portions thereof that are inconsistent with this ordinance are hereby repealed only to the extent of such inconsistency.

SECTION 20. EFFECTIVE DATE

This ordinance shall take effect upon adoption and publication as required by applicable law.

PASSED AND ADOPTED by the Town Council of the Town of Apple Valley, Utah, this ____ day of _____, 2026.

ROLL CALL VOTE

Councilmember	Aye	Nay	Abstain	Absent
Michael Farrar, Mayor	☐	☐	☐	☐
Kevin Sair	☐	☐	☐	☐
Annie Spendlove	☐	☐	☐	☐
Scott Taylor	☐	☐	☐	☐
Richard Palmer	☐	☐	☐	☐

TOWN OF APPLE VALLEY
A Utah Municipal Corporation

ATTEST:

Michael Farrar, Mayor

Jenna Vizcardo, Town Recorder