

**APPLE VALLEY
RESOLUTION R-2024-21**

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “SECTION II Procurement Processes” of the Apple Valley Policies & Procedures is hereby *amended* as follows:

A M E N D M E N T

SECTION II Procurement Processes

Except as otherwise required by state or federal law, the Town shall accept purchase prices and award contracts pursuant to one of the processes outlined in this section, provided an exception as outlined in section IV does not apply. Section III establishes when each of these processes may be used. The Town shall substantially comply with the guidelines for the specific process used but shall not incur any liability in choosing one alternative over another.

- A. Competitive Bids. The competitive bid process shall be used when the nature of the work to be performed or the product to be purchased is known and can be adequately and accurately described in the bid documents.
1. Required documentation. All competitive bids shall have the following minimum documentation:
 - a. A notice inviting bids;
 - b. Specifications; and
 - c. Instructions to bidders.
 2. At a minimum the notice inviting bids shall consist of the following:
 - a. A general description of the goods and/or services being solicited;
 - b. A physical and/or electronic location where interested parties may access a complete set of bid documents; and
 - c. The time and date when complete bids are due and the location where complete bids are to be submitted.
 3. The minimum specification requirements shall include a description of the goods and/or services being solicited in enough detail as to enable a reasonable bidder to formulate a bid.
 4. At a minimum the instructions to bidders shall include the following requirements, when reasonably necessary, considering the types of goods and/or services being solicited:
 - a. Bonding and insurance requirements;
 - b. The process bidders shall use to ask questions during the bid process;
 - c. Site visits;
 - d. Necessary licensure requirements;

- e. Due dates and location for submitting bids;
 - f. Page limits and format of the bid;
 - g. Delivery terms and/or completion deadlines;
 - h. The award of bid being contingent on successful negotiation of an agreement with the Town; and
 - i. The Town's right to waive certain matters and/or reject any and all informalities.
5. The notice inviting bids shall be published as per the requirements contained in II(C).
 6. The following minimum standards shall apply to all bids:
 - a. Only bids submitted in conformance with the bid documents shall be considered;
 - b. Bids shall be opened in public on the date and at the time and place stated in the public notice; and
 - c. A tabulation of all bids received shall be available for public inspection either electronically or at the Town offices during regular business hours for a period of not less than thirty days after the bid opening.
 7. Bids shall be awarded or rejected pursuant to the provisions set forth in section V.
- B. Request for proposals (RFPs). The RFP process may be used when the nature of the work to be performed, or the product to be purchased, has the potential to be satisfied with various options which may be difficult to identify and accurately describe. This process shall only be used when the Mayor or designee determines that this process is more advantageous to the Town or the use of the competitive bid process is impractical. This method is more practical for professional service type contracts, i.e., legal services.
1. Required documentation. All RFPs shall have the following minimum documentation:
 - a. A notice inviting proposals;
 - b. A request for proposals; and
 - c. Instructions to responders.
 2. At a minimum the notice inviting proposals shall consist of the following:
 - a. A general description of the goods and/or services being solicited;
 - b. A physical and/or electronic location where interested parties may access a complete RFP; and
 - c. The time and date when complete proposals are due and the location where complete proposals are to be submitted.
 3. The minimum RFP requirements shall include a description of the goods and/or services being solicited in enough detail so that a reasonable responder can formulate a proposal.
 4. At a minimum the instructions to responders shall include the following requirements, when reasonably necessary, considering the types of goods and/or services being solicited:
 - a. Bonding and insurance requirements;

- b. The process responders shall use to ask questions during the proposal process;
 - c. Site visits;
 - d. Necessary licensure requirements;
 - e. Due dates and location for submitting proposals;
 - f. Page limits and format of the bid;
 - g. Delivery terms and/or completion deadlines;
 - h. The award of proposal being contingent on successful negotiation of an agreement with the Town; and
 - i. The Town's right to waive certain matters and/or reject any and all informalities.
- 5. The notice inviting proposals shall be published as per the requirements contained in II(C).
- 6. The following minimum standards shall apply to all proposal reviews:
 - a. Only proposals submitted in conformance with the RFP documents shall be considered;
 - b. Proposals shall be evaluated on the basis of compliance with the notice requesting proposals; and
 - c. A tabulation of all proposals received shall be available for public inspection either electronically or at the Town offices during regular business hours for a period of not less than thirty days after acceptance of a proposal.
- 7. Revisions to submitted proposals
 - a. Revisions of proposals may be permitted after submission, and prior to selection, for the purpose of obtaining the best and final offers.
 - b. Discussions may be conducted with responders who submit responsible proposals when the Town finds a reasonable likelihood that the proposal will be selected and identifies a need to further clarify its understanding of the elements of the proposal.
 - c. Responders who submit responsible proposals shall be accorded fair and equal treatment with respect to opportunities for discussion and revisions of proposals.
 - d. During discussions, information derived from submitted proposals shall not be disclosed to competing responders.
- 8. Proposals shall be awarded or rejected pursuant to the provisions set forth in section V.
- C. Notice publication requirements for competitive bidding and request for proposals. Except as otherwise required by state or federal law, the following shall be the publication requirements for competitive bidding and requests for proposals:
 - 1. Notices for all public works and building improvement projects that have an estimated cost exceeding the State of Utah's statutory bid limit shall be published at least five days before the due date for the bids or proposals. Notices shall be published ~~in a newspaper of general circulation,~~ on the Utah Public Notice website, on a web page established by the Town, at Town Hall, and the Gateway bulletin board.

2. All other notices shall be published once at least five days before the due date for the bids or proposals. The notices shall be published ~~in a newspaper of general circulation and~~ on the Utah Public Notice website. In addition, notices may be published at least five days before the due date on the Town web page.
3. Notices published ~~in the newspaper and~~ on the internet may also be delivered to known prospective bidders or responders. If notices are delivered to one known prospective bidder or responder, they shall be delivered to all known prospective bidders or responders.
4. Price Quotes:
 - a. Price quotes may be sought when the time and cost of using the competitive bid or request for proposals process is prohibitive.
 - b. Whenever possible, three price quotes shall be received.
 - c. To promote consistency, price quotes shall be solicited by written request that provides a general description of the work to be performed or the product to be purchased. Price quotes may also be solicited from published prices from various vendors, such as through internet advertisements.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

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	AYE	NAY	ABSENT	ABSTAIN
Mayor Michael Farrar	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Janet Prentice	_____	_____	_____	_____
Council Member Annie Spendlove	_____	_____	_____	_____
Council Member _____	_____	_____	_____	_____

Attest

Presiding Officer

 Jenna Vizcardo, Town Clerk, Apple Valley

 Michael Farrar, Mayor, Apple Valley