

ORDINANCE 23-07

WHEREAS, on January 6, 1994, the Hyrum City Council passed and posted an ordinance adopting the Hyrum City Municipal Code, a recodification of municipal ordinances encompassing the Revised Ordinances of Hyrum City and ordinances adopted through July 15, 1993; and

WHEREAS, Chapter 3.04 of the Hyrum City Municipal Code is known as the Purchasing Ordinance of Hyrum City and sets forth purchasing policies and procedures for use by municipal employees in acquiring equipment, materials, supplies, and services; and

WHEREAS, the City Council has determined there is a need to amend the purchasing ordinance to reflect changes in current purchasing practices and policies.

NOW, THEREFORE, the City Council hereby adopts, passes and publishes the following:

AN ORDINANCE AMENDING TITLE 3, SECTION 3.04.070 COMPETITIVE BIDDING (THE PURCHASING ORDINANCE) OF THE HYRUM CITY MUNICIPAL CODE.

BE IT ORDAINED by the City Council of Hyrum City, Cache County, State of Utah, as follows:

1. Chapter 3.04.070 of Title 3 of the Hyrum City Municipal Code is hereby amended as follows:

3.04.070 Competitive bidding.

- A. The general policy of Hyrum City is that all goods, services and equipment exceeding an estimated purchase price of forty thousand dollars for building improvements and seventy-five thousand dollars for public works projects shall be purchased only after competitive bidding unless otherwise directed by Hyrum City council.
- 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 Hyrum City council that his 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 he 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 forty thousand dollars 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 forty thousand dollars 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, mailed, electronically mailed, and/or other means of notification to meet the minimum requirements of State Law 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 Hyrum City 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. If a contract is awarded to other than the lowest qualified bidder, the reason for accepting a higher bid must be specified and made public.
- M. Hyrum City reserves the right to accept or reject any and all bids, and waive any informality in the bidding process. (Ord. 00-02; Ord. 90-01 § 7)

2. REPEALER. All ordinances, resolutions, and zoning maps of the city, or parts thereof inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This

repealer shall not be construed as reviving any law, order, resolution or ordinance or part thereof.

3. DECLARATION OF SEVERABILITY. Should any provision, clause, or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance, the zoning map, or the Hyrum City Municipal Code to which these amendments apply. The valid part of any provision, clause, or paragraph of this ordinance shall be given independence from the invalid provisions or applications and to this end the parts, sections, and subsections of this ordinance, together with the regulations contained therein, are hereby declared to be severable.

4. EFFECTIVE DATE. This ordinance shall become effective upon posting three (3) copies in three (3) public places within Hyrum City.

5. ADOPTION. This ordinance is hereby adopted and passed by the Hyrum City Council this 3rd day of August, 2023.

HYRUM CITY

BY: _____
Stephanie Miller
Mayor

ATTEST:

Stephanie Fricke
City Recorder

Posted: _____