

POLICY #220

COTTONWOOD HEIGHTS PARKS AND RECREATION SERVICE AREA

POLICY GOVERNING CONTRACTS FOR CAPITAL IMPROVEMENTS

REFERENCE:

Previous Cottonwood Heights Parks and Recreation Service Area Purchasing Policy, and Salt Lake County's Procurement Policy and State of Utah Procurement Code

PURPOSE:

To identify the procedure for approval and payment of all contracts and bids for capital improvements made by the Cottonwood Heights Parks and Recreation Service Area. To insure that all such contracts and bids are fair and reasonable and are not in conflict with applicable laws or regulations.

SECTION I: DEFINITIONS

Bids - The submission of prices by individuals or firms competing for a contract, privilege, or right to supply merchandise or services.

Bidder/offeror – Any person submitting a competitive bid in response to a request for bid or proposal.

Board of Trustees – Three elected officials to serve on the Cottonwood Heights Parks & Recreation Service Area Board of Trustees.

Business – Any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture, or any other private legal entity.

Change Order – As a written order signed by the Executive Director, a change order is work that is added to or deleted from the original scope of work of a contract, which alters the original contract amount and/or completion dates. A change order may fork a new project to handle significant changes to the current project

Contracts – A legally binding agreement between Cottonwood Heights Parks and Recreation Service Area and a supplier to buy/sell goods and/or services for appropriate consideration. This may be in the form of a purchase order.

Designee – An employee appointed to act in the absence of the Executive Director.

Executive Director – Appointed by the Board of Trustees of Cottonwood Heights Parks and Recreation Service Area for the daily management of the Service Area and all other duties and responsibilities as per the job description.

Emergency Procurement – A situation that creates a threat to public health, welfare or safety such as may arise by reason of floods, epidemics, equipment failures, earthquakes, or other reason deemed to be an emergency, as determined by the Executive Director or designee whereby an employee would be unable to wait for normal working hours to complete a purchase. Emergency purchases that creates the necessity to override policy to maintain normal operations of the Cottonwood Heights Parks and Recreation Service Area.

Invitation to Bid – All documents, whether attached or incorporated by reference, used for soliciting bids.

Person – Any business, individual, union, committee, club, other organization or group of individuals.

Procurement – Buying, purchasing, renting, leasing with an option to purchase, or otherwise acquiring any supplies, services or construction within the current budget approved by the CHPRSA Board of Trustees.

Purchase Description – The words used in a solicitation to describe the supplies, services or construction to be purchased, and includes specifications attached to or made part of the solicitation.

Purchase Order- A three part form completed by buyer, which includes the name, address and telephone # of vendor, items to be purchased, price quoted, plus S & H. and duly signed according to policy.

Purchasing Agent – The Board of Trustees of the Service Area shall appoint the Purchasing Agent for the Service Area. The Purchasing Agent shall be responsible to make procurements, solicit bids and proposals, enter into and administer contracts, and make written determination.

Request for Proposal (RFP) – A sealed competitive bid used for soliciting proposals for services, solutions and items. RFP's are based on scope of work, specifications, time lines, contract terms, price and technical goals.

Single Source Provider – Services or product that can only be obtained from a single source.

State Contract - Statewide contracts are term contracts established by the State of Utah Purchasing, for items purchased by state agencies and other political subdivision. The Service Area is considered a political subdivision of the State of Utah and may purchase items on State Contract.

Cooperative Contracts –Cooperative contracts are term contracts established by various governmental entities or cooperative entities, for items purchased by said governmental entities in addition to other political subdivisions. The Service Area is considered a political entity and may purchase items on Cooperative Contracts established by other governmental entities. Such entities include, but are not limited to, the State of Utah, Salt Lake County, and GSA, Sourcewell and HGAC Buy.

SECTION II: POLICY

- 2.1 An invitation for bids shall be distributed to potential vendors when a contract is to be awarded by competitive sealed bids. The invitation shall include a purchase description and all contractual terms and conditions applicable to the procurement. Public notice of the invitation for formal bids over \$50,000 and is subject to the Utah Procurement Code for public notice requirements.

SECTION III: PROCEDURE

- 3.1 Contracts shall be awarded through a competitive sealed bid process, except as otherwise provided by this policy.
- 3.2 An invitation for bids shall be distributed to potential vendors when a contract is to be awarded by competitive sealed bidding. The invitation shall include a purchase description and all contractual terms and conditions applicable to the procurement. Public notice of the invitation for formal bids over \$50,000 and is subject to the Utah Procurement Code for public notice requirements.
- 3.3 Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the invitation for bids. The amount of each bid and any other relevant information together with the name of each bidder shall be recorded. The record and each bid shall be open for public inspection.
- 3.4 Bids shall be unconditionally accepted without alteration, except as authorized in the policy. Bids shall be evaluated based on the requirement set forth in the invitation for bids.
- 3.5 Correction or withdrawal of inadvertently erroneous bids before or after award, or cancellation of award or contracts based on such bid mistakes, shall be permitted. After bid opening, no changes in bid prices or other provision of bids prejudicial to the interest of the Service Area or fair competition shall be permitted. All decisions to permit the correction or withdrawal of bids or to cancel awards or contracts based on bid mistakes shall be supported by a written determination made by the Executive Director

- 3.6 The Contract shall be awarded with reasonable promptness, by written notice, to the lowest bidder whose bid meets the requirement and criteria set forth in the invitation for bids.
- 3.7 An invitation for bids, a request for proposal, or other solicitation may be cancelled, or any or all bids or proposals may be rejected, in whole or part, as may be specified in the solicitation, when it is in the best interest of the Service Area. The reasons shall be made part of the contract file.
- 3.8 When the Executive Director determines in writing that the use of competitive sealed bidding is either not practical or not advantageous to the Service Area, a contract may be entered into by competitive sealed proposals (RFP). RFP's are most appropriately used for professional service-type contracts.
- 3.9 Under extreme circumstances, a single source provider may be awarded a contract upon approval of the Executive Director and/or the Board of Trustees.
- 3.10 Exigency procedures may be used under extreme circumstances to maintain normal operations of the Service Area.

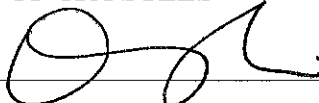
APPROVED AND PASSED THIS 23 DAY OF March, 2022

COTTONWOOD HEIGHTS
PARKS AND RECREATION SERVICE AREA

By: 

Ben Hill, Executive Director

BOARD OF TRUSTEES

By: 

Dan Morzelewski, Chair

