



Checks Payable 1.11.17

Accounts Payable:

<u>Direct Deposit (ACH) 12.31.16</u>	<u>53,128.02</u>
<u>Taxes (Fed, FICA & Medi)</u>	<u>20,493.41</u>
<u>Benefits: DRS (ACH)</u>	<u>14,633.14</u>
<u>Benefits: Checks 22078 thru 22086</u>	<u>32,889.28</u>
Total Checks Payable:	<u><u>121,143.85</u></u>

Auditing Officer Certification:

I, the undersigned, do hereby certify under penalty of perjury, that the materials have been furnished, the services rendered or the labor performed as described herein, and that the claim is a just, due and unpaid obligation against the City of La Center



Finance Director

Council Member's Approval:

We, the undersigned Council Members of the City of La Center of Clark County, Washington, do hereby certify that the checks identified above are approved for payment.

Accounts Payable

Checks by Date - Summary by Check Date

User: jfowler
Printed: 1/5/2017 10:23 AM



Check No	Vendor No	Vendor Name	Check Date	Check Amount
22078	AFLAC	AFLAC	12/31/2016	933.30
22079	AWC-Emp.	AWC-Employee Benefits	12/31/2016	28,312.88
22080	AWC-Life	Association of Washington Cities	12/31/2016	113.35
22081	COLCUNIO	Columbia Credit Union	12/31/2016	460.00
22082	EMPSEC	Employment Security Department	12/31/2016	337.31
22083	FIBREFED	Fibre Federal Credit Union	12/31/2016	330.00
22084	L&I	Dept. of Labor & Industries	12/31/2016	1,970.61
22085	ORRev	Oregon Dept. of Revenue	12/31/2016	181.83
22086	WA Suppo	Washington State Support Regis	12/31/2016	250.00
Total for 12/31/2016:				32,889.28
Report Total (9 checks):				32,889.28



**CITY OF LA CENTER CITY COUNCIL
REGULAR MEETING
December 28, 2016**

*These minutes are
considered a
DRAFT copy until
approved by the
City Council*

REGULAR MEETING:

1. Mayor Thornton called the meeting to order at 7:00 p.m.
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL:**

Council:

Councilmember Birdwell-Currey	Present
Councilmember Luiz	Present
Councilmember Williams	Present
Councilmember Valenzuela	Present
Councilmember Cerveny	Present
Mayor Thornton	Present

Staff:

Suzanne Levis, Finance Director/Clerk
Jeff Sarvis, Public Works Director

Guests:

Doug Boff	Larry Lewton
Doug & Barbara Burtwell	Nelda Perryman
Al Filla	Suzi Terrell
Jack La Bounty	

4. **CONSENT AGENDA**
 - A. **APPROVAL OF CLAIMS/ADJUSTMENTS – 12.28.16**
 - B. **REGULAR MEETING MINUTES – 12.14.16**

MOTION MADE BY COUNCILMEMBER LUIZ, SECONDED BY COUNCILMEMBER CERVENY AND CARRIED UNANIMOUSLY TO APPROVE THE DECEMBER 28, 2016 CONSENT AGENDA.

5. **COUNCIL STAFF REPORTS/ANNOUNCEMENTS.**
 - A. **MAYOR’S REPORT.**

- The next monthly Mayor’s Town Hall meeting is Wednesday, January 4, at the Public Works Office.



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- The date for the next City Council Retreat / Special Meeting is confirmed for Saturday, January 28, 2017, at the Public Works Office beginning at 9 a.m. Lloyd Halverson will facilitate. Specific topics of discussion will be provided at a later date. (Minutes from the February 27 and August 27, 2016, retreats were provided to Councilmembers.)

B. ATTORNEY’S REPORT – None (Absent/Excused)

C. COUNCIL COMMENTS.

- **COUNCILMEMBER BIRDWELL-CURREY** – None.
- **COUNCILMEMBER LUIZ** – None.
- **COUNCILMEMBER WILLIAMS** – None.
- **COUNCILMEMBER VALENZUELA** – None.
- **COUNCILMEMBER CERVENY** asked people to check on friends and family during the cold weather.

D. STAFF REPORTS.

- **DIRECTOR JEFF SARVIS, PUBLIC WORKS DEPARTMENT.** Director Sarvis provided an update on the I-5 junction monument / signage. A map was displayed showing the proposed monuments / signage and locations thereof. There are three roundabouts, two of which are planned to display monuments and signs welcoming the public to the City of La Center on each end of the overpass. The third roundabout near the ilani Casino is planned to have a monument dedicated to the Cowlitz Tribe. However, discussions are underway wherein the Cowlitz Tribe claims the roundabout closest to the southbound lane of traffic is on tribal land and should have a Cowlitz Tribe monument.

Mayor Thornton believes the City of La Center should have monuments on both roundabouts in accordance with the original agreement. He asked for Councilmembers’ feedback on the issue.

COUNCILMEMBER LUIZ: The monument plans should stay as originally designed and not changed at the last minute. The roundabout in question is not on tribal land and, in the original plans presented to City Council, the two roundabouts on each end of the overpass are to have City of La Center



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monuments/signs. The southbound traffic should be met with a La Center welcome sign as well as the northbound.

COUNCILMEMBER WILLIAMS agrees that the City of La Center should remain prominent. Visitors to the La Center cardrooms from the north might get confused, if they see a monument for the tribal reservation. Perhaps a tribal monument could be on the roadside on the boundary line.

COUNCILMEMBER VALENZUELA. The Intergovernmental Agreement states the La Center monuments / signs are to be at both roundabouts. The roundabout in question is in State of Washington right-of-way and the City.

COUNCILMEMBER CERVENY believes the plans should remain as originally presented where the signage and landscaping at the La Center exits would stand out from others and attract people to the City of La Center, its businesses, and casinos.

COUNCILMEMBER BIRDWELL-CURREY believes a combined monument at the second roundabout would represent both parties working together. The tribe's dedicated monument will be at the third roundabout closest to the casino.

Discussions with the Cowlitz Tribe will continue and updates provided as they become available.

- **DIRECTOR SUZANNE LEVIS, FINANCE DEPARTMENT.** Director Levis provided an update on the purchase of tablets for City Council's use in an effort to go paperless. Councilmembers were unanimous in their preferences for the tablets versus paper copies of meeting materials. Director Levis will move forward with purchasing the tablets. Training will be provided to Councilmembers.

6. CITIZEN'S PUBLIC COMMENT.

LARRY LEWTON, 1109 W. C AVE. Regarding the monuments / signage at the I-5 junction discussed earlier, the bottom line is that the second roundabout is not on tribal land. The tribe cannot claim a mistake, after they originally agreed to have City of La Center monuments at the two roundabouts.

SUZI TERRELL, 628 E 18TH ST. Some of the signs as presented on the map are misleading because they seem to indicate that La Center owns the Cowlitz Reservation. Mayor Thornton clarified that the signs she is referring to are not at issue and are State of Washington signs.



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JACK LA BOUNTY, 1406 W ALDER PL. He would not put the monuments on the roundabouts. He would put them on the side of the road with a welcome message.

7. **PRESENTATIONS** – None.

8. **ORDINANCES, RESOLUTIONS AND PUBLIC HEARINGS.**

A. ORDINANCE NO. 2016-15 – AN ORDINANCE AMENDING THE ADOPTED BUDGET FOR THE CITY OF LA CENTER, FISCAL YEAR 2016.

Finance Director Suzanne Levis summarized the year-end budget amendment as outlined in her staff report (made a part of these minutes and available on file). A complete year-end analysis for 2016 will be presented in February 2017.

MOTION MADE BY COUNCILMEMBER CERVENY, SECONDED BY COUNCILMEMBER BIRDWELL-CURREY AND CARRIED UNANIMOUSLY TO APPROVE ORDINANCE NO. 2016-15 AMENDING THE ADOPTED BUDGET FOR THE CITY OF LA CENTER, FISCAL YEAR 2016.

9. **ITEMS REMOVED FROM THE CONSENT AGENDA** – None.

10. **UNFINISHED BUSINESS** – None.

11. **NEW BUSINESS** – None.

12. **ADJOURNMENT.**

Meeting was adjourned at 7:45 p.m.

Mayor Greg Thornton

Suzanne Levis, Finance Director/Clerk



Memorandum

To: La Center City Councilmembers

Date: January 11, 2017

Re: Reappointment of Planning Commission and Civil Service Commission Members

The following City of La Center commission appointments have been renewed:

<u>Member</u>	<u>Commission</u>	<u>Term</u>
Earl Bowen	Civil Service Commission	2017 - 2022
Daina McLean	Planning Commission	2017 – 2020
Steve Workman	Planning Commission	2017 - 2020

Greg Thornton, Mayor
City of La Center



Department of Public Works

In the Works – Staff Report January 2017

Interchange Construction - Construction of the new interchange is approximately 60% complete. Waterline installation along La Center Road is estimated to be complete in approximately 2 weeks. Final paving of La Center Road after the waterline construction is complete will be weather dependent. Mid-March is when the interchange roundabouts should be paved and north bound traffic shifted to the new alignment onto La Center Road.

Junction Sewer Line Construction – Staff will be providing an update for Council during the January 11, 2017 work session.

Roundabout Construction – Staff will be providing an update for Council during the January 11, 2017 work session.

Evaluation of Sewer Services Wastewater Systems – The City is evaluating long term wastewater operations; basically determining whether to keep services in-house or contract for these services. The City has engaged the Eisenhardt Group to assist with the development of the RFQ/RFP documents and evaluating proposals from outside firms when received. We anticipate issuing the RFQ/RFP in mid-January and completing the process with a recommendation to the City Council in May. On-going information will be provided to the City Council as the process progresses.

Water Trail Park - The Berger ABAM provided 50% construction design plans for comment and review. Additionally, Berger ABAM is on schedule to provide all materials necessary for a Shoreline Substantial Development Permit which will be reviewed by Mr. Eisemann. The City is on schedule for construction early spring. The Cultural Resources report is complete and has been submitted to the Washington Department of Archeological and Historic Preservation for approval (DAHP).

Urban Growth Boundary – The appeal to the Growth Management Hearings Board is scheduled for Thursday, January 12, 2017 beginning at 9:00 a.m. The City Attorney sent out an agenda to Council and staff earlier this week. The outcome of this appeal will affect the 56 acre (3B/Fudge), August 2016 annexation.

General Update –

- A pre-application conference was held for the Medium Density Residential District 16 development now named Riverside Estates (formerly referred to as the Goode annexation). This is the first step in the development approval process. We will keep Council updated as additional information becomes available.
- Zone change hearing for Aspen Heights, a five acre parcel west of 18th Street is on the Planning Commission agenda for January 10, 2017 at 7 PM. This will include a public hearing on the request to re-zone the parcel from Low Density Residential 7.5 to Medium Density Residential 16.
- Mr. Eisemann will be providing an update on Junction area planning during the January 11, 2017 City Council work session.

As always, please contact me with any questions or concerns.

Respectfully Submitted,

Jeffrey B. Sarvis, Public Works Director



RESOLUTION NO. 17-414

**A RESOLUTION REPEALING RESOLUTION NO. 08-302 AND
ADOPTING THE AMENDED PURCHASING AND PROCUREMENT
POLICY FOR THE CITY OF LA CENTER**

The La Center City Council makes the following findings:

WHEREAS, state law imposes several general and specific procedural requirements for the expenditure of public funds, solicitation of bids and quotes and the execution of public contracts; and

WHEREAS, on October 22, 2008, City Council received public comment and approved Resolution No. 08-302 adopting a comprehensive set of procedural rules and guidelines for public contracting that implements state law, ensures competition for public contracts, and that the City obtain the best value for the least cost in the procurement of goods and services and the construction of public works projects; and

WHEREAS, to ensure federal compliance with federal grants, the City's purchasing and procurement policy needs to include policies to include federal compliance with federal grants.

NOW THEREFORE, based on the foregoing recitals, the La Center City Council hereby repeals Resolution No. 08-302 and adopts Resolution No. 17-414 Amending the Purchasing and Procurement Policy attached as Exhibit A which shall be implemented in all public contracts and procurement.

APPROVED and **ADOPTED** effective this 11th day of January, 2017 by a majority of the La Center City Council.

Greg Thornton, Mayor of La Center

ATTEST:

APPROVED AS TO FORM:

Suzanne Levis, Finance Director

Daniel Kearns, City Attorney



Purchasing and Procurement Policy

Purpose

The purpose of this document is to implement the requirements of state law with regard to procurement and bidding on public contracts for public works, goods, services, supplies and materials. It is the City's policy to follow state requirements with regard to the expenditure of public funds, to provide a fair forum for those interested in bidding on public contracts and to help ensure that public contracts are performed satisfactorily and efficiently at least cost to the public, while avoiding fraud and favoritism in their award.

Purchasing Code of Ethics

To instill public confidence in the award of public contracts and the expenditure of public funds, the City adopts the following code of ethics with regard to public contracting:

- Actions of City employees shall be impartial and fair.
- Government decisions and policies shall be made in compliance with required procedures and within the proper channels of government structure.
- Public employment shall not to be used for personal gain, and City employees shall not solicit, accept, or agree to accept any gratuity for themselves, their families or others that would or could result in personal gain. Purchasing decisions shall be made impartially, based upon the City's specifications for the contract and the responses of those bidding on the contract.

No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest. This conflict of interest extends beyond the individual employee, officer, or agent to include that individual's immediate family members, partner, and other employers.

Controlling Laws

The expenditure of public funds for the purchase of and contracting for, goods, services, supplies and materials shall comply with all applicable state law requirements as set forth in the Revised Code of Washington (RCW) and the Washington Administrative Code (WAC), in addition to any applicable federal laws and regulations.

Monitoring and Compliance

The department heads shall implement, monitor and enforce these policies. In the event of any conflict in procurement requirements or questions about proper procedure or other requirements, the matter shall be referred to the Finance Director for further action. Willful or intentional violations of public procurement requirements may result in personal penalties, financial liabilities, and/or discipline. *See RCW 39.30.020.*

Proper Authorization

Only authorized employees acting within the scope of their authority may obligate the City in the acquisition of goods or services. Any employee purchasing goods on behalf of the City without proper authorization may be personally liable to the vendor and the City, and subject to disciplinary action.

The following chart describes the most common types of public contracts, summarizes the procedural requirements and the entity authorized to execute the contract:

Type of Purchase	Process	Other Requirements	Contract Authorization
Public Works Projects <i>(Must choose one of the four)</i>			
Projects costing under \$300K	Small Works Roster <i>(the City uses the MRSC Rosters RCW 39.04.155)</i>	<ul style="list-style-type: none"> • Prevailing wage • Insurance • Performance Bond • Bid Bond/Deposit 	If budgeted or otherwise approved by Council, Mayor to execute contract.
Projects costing \$300K or more	Must call for bids <i>RCW 35.23.352(1)</i>	<ul style="list-style-type: none"> • Prevailing wage • Insurance • Performance Bond • Bid Bond/Deposit 	If budgeted or otherwise approved by Council, Mayor to execute contract.
Projects with costs that exceed \$40K single trade or \$65K multiple trades and less than \$300K	Must call for bids <i>RCW 35.23.352(1)</i> <i>or use Small Works Roster process to solicit quotes</i>	<ul style="list-style-type: none"> • Prevailing wage • Insurance • Performance Bond • Bid Bond/Deposit 	If budgeted or otherwise approved by Council, Mayor to execute contract.
Projects costing under \$40,000 <i>(Alternative to the Small Works Roster Procedures)</i>	Solicited quotes	<ul style="list-style-type: none"> • Prevailing wage • Solicited electronic or written quotes from a minimum of 3 contractors from the Small Works Roster • Award to low bidder • Performance Bond 	If budgeted or otherwise approved by Council, Mayor to execute contract.
Projects less than \$2,500	One quote needed, two recommended.	<ul style="list-style-type: none"> • Combined L&A form for prevailing wages • No bond • No retainage 	If budgeted or otherwise approved by Council, Mayor to execute contract.
Materials, Goods and Equipment <i>(Not associated with Public Works Projects)</i>			
Items costing more than \$7,500	Must call for bids or use State Bid <i>RCW 35.23.352(6)</i> <i>or RCW 39.04.270</i>	<ul style="list-style-type: none"> • Publication of RFP if bidding 	If budgeted or otherwise approved by Council, Mayor to execute contract.
Items costing less than \$7,500	No state law required process		If budgeted or otherwise approved by Council, Mayor or department head to execute contract.
Personal Services			
Architectural and Engineering Services	Request for Qualifications <i>RCW 39.80</i>	<ul style="list-style-type: none"> • Publish RFQ • Must evaluate on performance and qualifications • Negotiate contract 	If budgeted or otherwise approved by Council, Mayor to execute contract.

All other personal services	No state law required process		If budgeted or otherwise approved by Council, Mayor to execute contract.
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Local Business Open Accounts

The City may establish open accounts at local businesses, and purchases on these accounts may be made only by authorized City employees.

Projects – under \$300,000 (Small Works Roster)

In addition to full competitive bid requirements, the City may use any of following procedures when circumstances warrant:

- 1) When the contract amount for a public works project is between \$2,500 and \$300,000, the City may follow the small works roster process instead of competitive bidding requirements. The City has contracted with the Municipal Research and Services Center of Washington to provide a small works roster for the City. If the amount of the contract has been budgeted, the Mayor may execute all documents relating to the contract. Consistent with RCW 39.08.010 the City will require a performance bond as a precondition of entering into a public works contract.
- 2) The City has an agreement with Clark County for the repair and construction of city streets, bridges and other components of the City's transportation system. No bidding requirements apply to work performed by Clark County pursuant to this agreement.
- 3) The City may from time to time acquire surplus property from another governmental entity without regard to bid laws.
- 4) The City may also exercise its authority to contract with another public agency through an interlocal agreement to perform any function that either agency is authorized by law to perform. Pursuant to this authority, another public entity could act as the City's agent or contractor.
- 5) The City may also enter into a cooperative interlocal agreement with another governmental entity for joint or "piggy-back" purchases. In any such cooperative action, the City will ensure that any competitive bidding requirements, including publication and notice, that otherwise apply to the contract are fulfilled to the extent required by RCW 39.34.030.

Alternative to the "Small Works Roster" Procedures

For limited public works projects, including the construction, alteration, repair, or improvement of real property costing less than \$40,000, the City may contract without use of a small works roster or the advertisement for bids, so long as the City solicits either electronic or written quotations from a minimum of three contractors listed on an appropriate small works roster and awards the contract to the lowest responsible bidder. After such an award, the City will make available all quotations for public inspection.

Projects exceeding \$40,000 for a single trade or \$65,000 for multi-trades:

The City will call for bids for public works projects, including the cost of materials, supplies, and equipment that exceed \$65,000 if more than one craft or trade is involved if the City does not use the "Small Works Roster. If only a single craft or trade is involved, or if the project is one of street signalization or street lighting, the City will call for bids if the cost is greater than \$40,000. The City reserves the right to have its own workers or day laborers do every project, so long as each project meets the applicable bidding limits, and the City will provide a report to the state

auditor of the costs of all public works in excess of \$5,000 that are not let by contract. For any project using city workers that costs more than \$25,000, the City will publish a description of the project and the estimated cost in the City's official newspaper at least fifteen days before beginning work.

Projects Less Than \$2,500

For projects less than \$2,500, two quotes are recommended, but with approval of the department head, one quote is acceptable. The combined form for Intents and Affidavits will be used. No bond and retainage will be required, but the contractor must submit paid invoices for supplies, equipment rental and materials used in the project.

Materials, Goods and Equipment *(Not associated with Public Works Projects)*

For the purchase of supplies, materials, or equipment costing more than \$7,500 which is not to be used in connection with any public work or improvement, the City will call for bids or may opt to use a state bid which does not require the City to obtain its own bids. When purchasing telecommunications and data processing (computer) equipment or software costing more than \$7,500, the City may follow a competitive negotiation process as an alternative to the bid process. Pursuant to RCW 30.04.270, any such an alternative competitive negotiation process will include at least the following steps:

- A request for proposals (RFP) must be published in a newspaper of general circulation at least 13 days before the last date on which the proposals will be received.
- The RFP must identify significant evaluation factors, including price, and their relative importance.
- The City must provide reasonable procedures for technical evaluation of the proposals, identification of qualified sources, and selection for awarding the contract.
- The award must be made to the qualified bidder whose proposal is "most advantageous" to the City. The City may reject all proposals for good cause and request new proposals.

Architectural and Engineering Services

State law does not impose any particular competitive bid requirements for services, except for notice in the official newspaper, and that the requirements of RCW chapter 30.80 shall apply whenever the City contracts for architectural and engineering services. In particular, the City will publish its need for architectural or engineering services in advance, concisely stating the general scope and nature of the project or work for which services are required. The notice will provide the address of a representative of the City who can provide additional details. The City will either publish an announcement each time the service is needed, or will announce generally to the public the City's projected requirements for any category or type of engineering or architectural service.

Cities may also advertise for architectural or engineering services annually. The City will then evaluate the qualifications and performance data it has on file along with any information submitted regarding a proposed project. Following the evaluation, the City will invite one or more firms to meet with City officials to discuss the project and the relative benefits of various methods of providing the desired services. The City will select the most highly qualified firm to

provide the required services. The price or cost of the service may not be considered by the City when determining which firm is the most highly qualified. After the most qualified firm has been chosen, the City will negotiate a contract with that firm for the services at a price that it determines to be fair and reasonable, considering the estimated value of the services to be rendered, as well as the scope and complexity of the project. The City need not change engineers every year, but may continue to hire the same engineer if that person or firm is the most qualified. This process may be dispensed with for certain projects upon finding by the City Council that an emergency requires the immediate execution of the work involved.

Professional and Personal Services other than Engineering or Architecture

Professional or personal services are those services involving specialized skill, education, and special knowledge, including accounting, art, bond brokerage, insurance brokerage, legal, real estate appraisal, relocation assistance, title abstracts, surveying, soils analysis, and core testing. A competitive process is not required for professional or personal services, other than professional engineering or architectural services and the official newspaper.

Procurement, administration and termination of such professional or personal services contracts shall be the responsibility of the Mayor, unless the Mayor delegates that responsibility or authority to the appropriate department head. The Mayor is authorized to negotiate all professional and personal services contracts for which funds have been budgeted or otherwise approved by Council.

The Bidding Process

Emergencies

Competitive bidding is not required when an emergency exists; however, in making emergency purchases, the City shall endeavor to include the level of competition that is practical under the circumstances. The department head or designee is authorized to make emergency purchases upon a finding, duly entered of record, of the existence of an emergency, including but not limited to:

- Any breakage or loss of equipment or in other circumstances in that necessary service is interrupted or is about to be interrupted; or
- Situations where the city may suffer a substantial loss by reason of the time required for following the regular purchasing procedures that shall be reported to the city council at the next meeting.

If an emergency exists, the Mayor or the appropriate department head is authorized to act and will seek a resolution from Council within 2 weeks that will:

- Declare or confirm that an emergency situation exists;
- Waive competitive bidding requirements for purposes of responding to the emergency situation; and
- Authorize, on behalf of the City, the execution of any contract necessary to address the emergency situation, including, but not limited to, architectural and engineering services.

Advertising for Bids

For all contracts that require competitive bids, the City shall publish notice of the call for bids in the official newspaper, or a newspaper of general circulation most likely to bring responsive bids, at least 13 days prior to the last date upon which bids will be received. The City's advertisement for bids will contain definite specifications and procedures for bidders to use in estimating their bids, in addition to the following information:

- Time and place where bids will be opened;
- The time after which bids will not be received;
- The character of the work to be performed;
- The materials and equipment to be furnished;
- Where the specifications for the project may be seen;
- A statement that a bid bond must accompany the bid; and
- Statements that the city retains the right to reject any and all bids and to waive minor irregularities in the bidding process.

Since prevailing wages must be paid on all public works performed by public contract, the City will state in either the advertisement for bids or the specifications for the project that the successful bidder will be required to pay prevailing wages for the work to be performed. Bid notices for the purchase of materials, equipment, and supplies not used in connection with a public work do not require a bid bond.

Bid Bonds

Bid bonds are required for all public works projects exceeding \$100,000 to ensure that a bid has been made in good faith and that the bidder will enter into a contract if the bid is accepted. An acceptable bid bond includes a cashier's check, postal money order, letter of credit, surety bond or similar financial guarantee in a form acceptable to the City Attorney in an amount of not less than 5% of the bid amount, including sales tax. The City will not consider any bid, for which a bid bond is required, unless it is accompanied by a suitable financial guarantee. Bid bonds are not required when small works roster procedures are used.

After bids are opened, the City shall award the contract to the lowest responsible bidder. The City shall return bid proposal deposits and/or bid bonds to all unsuccessful bidders. The City will retain successful bidder's bid bond until the bidder executes a contract for the work and furnishes a performance bond in the full amount of the contract price. If the successful bidder fails to execute a contract with the City or does not provide a performance bond within 10 days of being notified of the bid's acceptance, the City reserves the right to retain the bid bond, reject the bidder and either award the contract to the second lowest responsible bidder or readvertise the project.

Performance Bonds

The City shall require a performance bond when entering into all public works contracts, to ensure that the job will be completed and that all workers, subcontractors and suppliers will be paid. Performance bonds are not required if the small works roster is used for a public works contract that does not exceed \$35,000. The successful bidder shall provide the performance bond in a form and amount acceptable to the City Attorney within 10 days of the City's selection of the bidder. In lieu of a performance bond for contracts of \$35,000 or less, the

successful bidder may elect to satisfy the bid bond requirement by having the City retain 50% of the contract payment(s) for a period of 30 days after the date of final acceptance.

Bid Opening and Award

The City shall open bids at the place, date, and time stated in the bid package. If the bid is complicated and city council action is required to award the contract, city staff may summarize the bids before presenting them to council. Where council action is required, staff will assist the Council in determining the lowest responsible bidder. The City must award the bid to the lowest responsible bidder or reject all bids. The city may not negotiate with any of the bidders.

Bid Rejection

The City reserves the right to reject any bid not in substantial compliance with the bid documents, specifications, or any prescribed public bidding procedure or requirement and may reject for good cause any or all bids upon a finding that it is in the public interest to do so.

Solicitation or Bid Appeals or Protests

Bidders may appeal or protest a proposal solicitation or award of contract issued by the City, provided that the bidder strictly follows the procedures described below. Prior to the deadline for submitting bids or proposals, bidders may appeal or protest specifications, terms, or requirements. After the deadline for submission of bids or proposals, bidders may appeal or protest the award or pending award to the apparent low bidder or the selection of the apparently most advantageous proposal. The appeal or protest shall:

- Be in writing; and
- Explicitly identify itself as an appeal or protest; and
- Explicitly identify the bid/project/request being appealed or protested; and
- Explicitly state all reasons and bases in law and fact supporting the appeal or protest, including, but not limited to, identification of any and all specifications, terms, requirements, or conditions to which the vendor objects; and
- Include any and all supporting documents; and
- Be filed with the City Clerk.

All appeals or protests of a purchase specification, term, condition, or requirement shall be received by the City Clerk no later than 7 calendar days prior to the deadline for submission of bids or proposals. All appeals or protests of an award or pending award shall be received by the City Clerk no later than 5 business days after the City awards the contract or selects the most advantageous proposal. In no event will appeals or protests be heard or considered if these deadlines are not met. The City reserves the right to proceed with the execution of a contract and any actions allowed pursuant thereto without notice to the appellant/protestor, notwithstanding the pendency of any appeal/protest.

A bidder's initial appeal/protest will be reviewed by the Mayor, the City Attorney, the department head of the procuring department, and the City Clerk. The initial appeal/protest will be decided based upon the written appeal or protest, supporting documents, and other information obtained by those reviewing the appeal/protest. A meeting or conference with the appellant/protestor will occur only if the Mayor determines that a meeting or conference with the appellant/protestor would materially assist the City in resolving the appeal/protest. Only those issues raised by the appellant/protestor in the initial written appeal/protest filed with the City Clerk will be considered. The City will issue a written decision no later than 10 business

days after the initial appeal/protest is filed with the City Clerk. The City may exercise discretion to extend the time for decision if more time is needed.

An appellant/protestor may appeal the City's decision on an appeal/protest to the City Council by following the procedures described in this section. Any appeal of a City decision on an appeal/protest shall be in writing and received by the City Clerk no later than 7 calendar days after the date of the City's written decision. The appeal shall state the legal and factual bases for the appeal, include a copy of the initial appeal/protest, and the resulting City decision appealed. The appeal shall state whether the appellant requests the opportunity to present oral argument to the City Council. The Council will not consider any issues not set forth in the initial appeal/protest. At its sole discretion, Council allow the appellant to present oral argument in support of the appellant's written submission if Council finds that such presentation would materially aid its resolution of the appeal. The Council may form a committee of less than the entire Council to consider the appeal and recommend a decision to the entire Council. The Council's decision shall be in writing and shall be final and binding.