

POLICY #210

COTTONWOOD HEIGHTS PARKS AND RECREATION SERVICE AREA

POLICY GOVERNING CONTRACTS FOR PROFESSIONAL SERVICES

REFERENCE:

Previous Cottonwood Heights Parks and Recreation Service Area Purchasing Policy and Salt Lake County's Procurement Policy

PURPOSE:

To clearly define the policies and procedures for obtaining a service contract for professional services.

SECTION I: DEFINITIONS

Bids - The submission of prices by individuals or firms competing for a contract, privilege, or right to supply merchandise or services. Competitive sealed bidding is the preferred method of source selection in public purchasing.

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.

Contract – 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 Director.

Director – Appointed by the Board of Trustees of Cottonwood Heights Parks & 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, whereby an employee would be unable to wait for normal working hours to complete a purchase.

Exigency – Emergency procedures that override policy to maintain normal operations of 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.

Petty Cash – A specified amount of cash, kept in a cash box in the safe, which can be used for purchases of \$50 or less from non-established vendors of the Service Area.

Procurement – Buying, purchasing, renting, leasing with an option to purchase, or otherwise acquiring any supplies, services or construction.

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 3 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 Director as the Purchasing Agent for the Service Area. The Director shall be responsible to make procurements, solicit bids and proposals, enter into and administer contracts, and make written determination.

Request for Proposal (RFP) – All documents, whether attached or incorporated by reference, used for soliciting proposals.

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.

SECTION II: POLICY

- 1.0 Cottonwood Heights Parks & Recreation Service Area may extend invitations to submit a proposal for professional services in excess of \$15,000, by means of issuing a Request for Proposal (RFP)

SECTION III: PROCEDURE

- 1.0 Proposal shall be solicited through a request for proposal. Public notice of the request for proposals shall be given at least 10 days prior to the advertised date of the opening of proposals.
- 2.0 Proposals shall be opened so as to avoid disclosure of contents to competing offerors during the process of negotiation. A register of proposals shall be prepared and shall be open for public inspection after contract award.
- 3.0 The request for proposals shall state the relative importance of price and other evaluating factors.
- 4.0 Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals, and revisions may be permitted after submissions and prior to award for the purpose of obtaining best final offers. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing offerors.
- 5.0 Award shall be made to the person whose proposal is determined, in writing, to be the most advantageous to the Service Area, taking into consideration price and the evaluation factors set forth in the request for proposals. No other factors or criteria shall be used in the evaluation. The contract file shall contain the basis on which the award is made.
- 6.0 Determination of non-responsibility of a bidder shall be made in writing. The unreasonable failure of a bidder or offeror to promptly supply information in connection with an inquiry with respect to responsibility may be grounds for a determination of non-responsibility with respect to the bidder or offeror. Information furnished by a bidder or offeror pursuant to this section shall not be disclosed outside of the Service Area without prior written consent by the bidder or offeror.
- 7.0 Requests for services of Architects, Engineers or qualification-based procurement shall be publicly announced. Contracts shall be negotiated by the Service Area Chairman of the Board of Trustees based upon competence at fair and reasonable prices.
- 8.0 Cost-plus a percentage of cost contracts are prohibited. Subject to the limitations of this section, any type of contract, which will promote the best interests of the Service Area, may be used, provided that the use of a cost- plus a percentage of cost contracts is prohibited.

- 9.0 Any procurement in excess of \$15,000 shall require a legal notice in a local newspaper of general circulation unless purchased through state contract.
- 10.0 Certain clauses are required in all contracts. These include but are not limited to, the unilateral right of the Service Area to order, in writing, changes in the work within the scope of the contract and changes in the time of performances of the contract that do not alter the scope of the contract of work; Variations occurring between estimated quantities of work in a contract and actual quantities; Suspension of work ordered by the Service Area.
- 11.0 All specifications shall seek to promote overall economy and best use for the purpose intended and encourage competition in satisfying the Service Area's needs, and shall not be unduly restrictive. Where practical and reasonable, and within the scope of this Policy, Utah products shall be given preference.
- 12.0 An actual or prospective bidder, offeror, or contractor who is aggrieved in connection with the solicitation or award of a contract may appeal to the Director. An appeal shall be submitted in writing within 5 working days after the aggrieved person knows or should have known the facts.
- 13.0 The Director shall promptly issue a written decision regarding any appeal, if it is not settled by a mutual agreement. The decision shall state the reason for the action and inform the protestor, contractor or prospective contractor of the right to appeal to the governing board.
- 14.0 The Service Area's Board of Trustees shall be the final appeal on the Service Area level.
- 15.0 No person involved in making procurement decisions may have personal investments in any business entity, which will create a substantial conflict between their private interests and their public duties.
- 16.0 Any person involved in making procurement decisions is guilty of a felony if the person asks, receives, or offers to receive any emolument, gratuity, contribution, loan or reward, or any promise thereof, either for the persons' own use or the use or benefit of any other person or organization from any person or organization interested in selling to the Service Area.

APPROVED AND PASSED THIS _____ DAY OF _____, 20__

COTTONWOOD HEIGHTS
PARKS AND RECREATION SERVICE AREA

By: _____

Mike Peterson, Director

BOARD OF TRUSTEES

By: _____

E. Bart Hopkin, Chairman