

PROCUREMENT MANUAL POLICY DECISIONS FOR COUNCIL

ARTICLE 10 *Related to Invitation for Bids (IFB) for contracts exceeding \$50,000*

- Option 1: Adopt Procurement Manual now, and decide issue of Local Preference later after study and/or evaluation of other cities' practices.
- Option 2: Require staff to provide telephonic conferencing for a pre-bid conference.

ARTICLE 14-- Section 14.2 *Related to Value Added Knowledge and Experience for Construction Projects – Request for Statement of Qualifications (non-bid process)*

- Option 1: Change 10 points (10%) to another percent, lower or higher.
- Option 2: Allow Procurement Director to approve more than 10% when appropriate for project.
- Option 3: Implement Vice Mayor Evan's proposed changes to Value Added Knowledge and Experience as shown below: (caps is new text, deletions are stricken)

D. Value Added Knowledge and Experience (10 points)

The team hired by the City must be familiar with local community needs, standards, historical challenges, local codes and site conditions. Additionally, the team must be accessible to City staff AND CITIZENS during the contracted design and construction phase of the project.

1. Resolution of issues may be part of the project work. Describe your response protocol and how the firm's Project Manager (responsible person in charge) will be accessible to City staff AND CITIZENS.
2. Explain why your firm is particularly qualified to perform your services in the Flagstaff area. Demonstrate the Project Manager's (or responsible person in charge) knowledge of local geology, climate, practices materials and codes by specifying in the submittal their experience working in the Northern Arizona region or in a region with geology, climate and conditions similar to those in the city of Flagstaff.
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3. Briefly describe two of your most recent projects that were performed in the greater Flagstaff area ~~or an area that presents geologically and climatologically similar characteristics.~~ (AS DEFINED BY THE REGIONAL PLAN AND/OR FMPO BOUNDARIES).
- 3.4. During construction, what is the response time by a qualified person (decision making authority) to meet IN PERSON and resolve concerns and to accommodate unforeseen issues (5 points if less than 30 minutes, 0 points if over 30 minutes)

Option 4: Allocate specific points for each Value Added Knowledge and Experience criteria or specific sections (e.g. 4% if recent projects were completed in the greater Flagstaff area and 2% if projects were completed in another region outside of Flagstaff that presented geologically and climatologically similar characteristics or split out total assigned percentages based on response time to meet in person).

Option 5: Authorize Procurement Director to establish specific points for each Value Added Knowledge and Experience criteria in the RFP, based on the project.

ARTICLE 25 *Related to Change Orders that exceed City Council approved contract amounts*

Option 1: Continue with the current policy where the Change Order Committee has the authority to:

- a. Review and recommend to City Council any approvals, modifications, or disapprovals of design and construction change orders exceeding the time and/or contractual dollar amounts approved by Council;
- b. Review and approve individual Task Orders for On-Call Consultant services that exceed \$100,000 or 365 calendar days;
- c. Review and approve field orders that exceed \$100,000 or 60 calendar days; and
- d. Review and recommend to City Council approval of dollars and calendar days for engineering studies, feasibility studies, reports, contracts and purchase orders for capital projects that exceed the amount approved by City Council or exceed the purchasing threshold dollar limits, as outlined in the Procurement Code Manual.

Option 2: Revise each or any combination of the following sections:

- a. Change Order Process
- b. Change Order Conditions
- c. Change Order Membership

(There is too much information pertaining to these sections in option 2 to list out, so I will go over in the work session presentation).

ARTICLE 29 *Related to Bid Protests. A Bidder or Proposer who is aggrieved in connection with the solicitation or award of a contract, may protest any aspect of a solicitation prior to or after award of a contract. The question is whether to provide the bidder with additional administrative options for protests.*

Option 1: Continue with the current policy where an aggrieved Bidder or Proposer files a formal protest with the Purchasing Director who shall issue a written ruling, within 14 days, on all contracts regardless of the contract dollar amount and all other associated sections.

Option 2: Allow an aggrieved Bidder or Proposer to file a formal protest with the City Manager who shall issue a written ruling, within 14 days or some other number of days deemed appropriate, on contracts less than \$50,000;

Option 3: Allow an aggrieved Bidder or Proposer to file a formal protest with City Council who shall issue a written ruling, within 14 days or some other number of days deemed appropriate, on contracts exceeding \$50,000.

Option 4: Revise each or any combination of the following sections:

- a. Time for Filing Protests
- b. Filing of a Protest
- c. Stay of Procurements During the Protest
- d. Confidential Information
- e. Remedies
- f. Dismissal Before Hearing

(There is too much information pertaining to these sections in option 4 to list out, so I will go over in the work session presentation).

ARTICLE 30 *Related to Hearings. If a controversy or formal protest is not resolved by the Protestant and the Purchasing Director, the Protestant may request a hearing, in writing, to the Purchasing Director within 10 days; with the hearing being conducted by the City Manager or the City Manager's designee. The question is whether to provide the Protestant with this administrative option for protest resolution.*

Option 1: Continue with the current policy where a Protestant may request a hearing, in writing, to the Purchasing Director within 10 days or some other number of days deemed appropriate, with the hearing being conducted by the City Council or the City Council's designee and all other associated sections.

Option 2: Revise each or any combination of the following sections:

- a. Request for Hearing
- b. Rights and Responsibilities
- c. Ex Parte Communications
- d. Conduct of hearing
- e. Failure of Party to Appear for Hearing
- f. Witnesses
- g. Burden of Persuasion
- h. Disruptions
- i. Hearing Record
- j. Finality of Hearing Officer's Findings

(There is too much information pertaining to these sections in option 2 to list out, so I will go over in the work session presentation).

Option 3: Eliminate the hearing process altogether and require complete due process through mediation.

Option 4: Eliminate the hearing process altogether and require complete due process through arbitration.