

# Salt Lake Countywide Policy 7010: Procurement

## **Purpose**

This policy is to establish standards and guidelines for the procurement of goods and services within the county.

## **1.0 Policy**

1.1 Specification - The overall purpose of written specifications is to provide a basis for obtaining product or service which will satisfy a particular need at an economical cost. It also should invite maximum reasonable competition. To this end, specifications should not be too restrictive but should be closely tailored for an item's intended use or functional capabilities and levels of performance. Wherever possible, specifications should be sent electronically to a buyer.

1.1.1 Brand Name or Equal Specifications- cites one or more brand name, model number, or other designations that identify the specific products of a particular manufacturer as the characteristics of the item desired. Any other brands or models substantially equivalent to those named are considered for the award, with the buyer reserving the right to determine equivalency. This type of specification invites product and price competition across the marketplace and can be identified by the phrase "as equal," or "approved equal," or "similar in design, construction, and performance." Such references are not intended to be restrictive, and bids are invited on these and comparable brands or products of any manufacturer.

1.1.1.1 To verify that the specifications presented to the Division of Contracts and Procurement are not restrictive, the division may ask the agency for those manufacturers or dealers that would be able to supply the product or service as specified.

1.1.1.2 Brand names used in specifications are intended to indicate the desired level and capability of performance required by the requesting agency. Bids with minor variations from these specifications, which meet the intended use of this equipment, may be bid. Bidders should note any exceptions to the specifications and so indicate why these specifications meet, or exceed, the requested specifications.

1.1.2 Performance Specifications are less interested in how a product is made and more interested in how it performs. Tests or criteria may be developed to evaluate a product's ability to perform and to endure as required.

1.1.3 Each buyer will review and make recommendations on each specification received. The purchasing agent or designee will have the final approval for each award (under the direction of the mayor).

1.1.3.1 Standardization of commodities and services is a method of reducing cost, both for the commodity and administration cost of the county. Each buyer, with the help of the using agency, will establish standards

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for the commodities in their buying portfolio. All contracts for goods or services will be reviewed for standards that may be used by other agencies within the county.

1.1.3.2 The responsibility for standardization of specifications will rest with the Division of Contracts and Procurement. Criteria used to select areas for standardization of specifications and subsequent contracting includes but is not limited to: high dollar volume, purchasing frequency, and areas where current specifications have created problems.

1.1.3.3 Training in writing of specifications will be given to those agencies required to draft specifications at their request.

1.1.3.4 The inclusion of appropriate contractual terms and conditions with specifications is a necessary protection to the county. Such terms include delivery requirements, freight, installation, warranties, etc. However, some contractual terms and conditions or boilerplate language included with bid requests do not always cover all the elements. Buyers shall request advice from the attorney before making any changes to the sample contractual terms or boilerplate language.

## 2.0 Bidding

2.1 As a general policy statement of the purchasing ordinance "all procurements will be made on a competitive basis to the maximum practicable extent."

2.2 The request for bids is used to initiate competitive sealed bid acquisitions and should include the following:

2.2.1 Instructions and information to bidders concerning the bid submission requirements, including the time and bid opening date, the address of the Division of Contracts and Procurement office to which bids are to be delivered, and any other special information.

2.2.2 The purchase description, evaluation factors, delivery or performance schedule, and inspection and acceptance requirements.

2.2.3 The contract terms and conditions, including warranties and bonding or other security requirements, as applicable.

2.3 Incorporation By Reference - The request for bids may incorporate documents by reference provided that the request for bids specifies where such documents can be obtained.

2.4 Acknowledgment of Addenda - The request for bids may require the acknowledgment of the receipt of all addenda issued; the submission of a bid response on the latest addendum to the request for bids, together with all other requirements of the bid, constitute acknowledgment of the receipt of all addendum. Absence of said acknowledgment could invalidate the bid response as determined by the county's evaluation of bidder's

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responsiveness, responsibility, extent of offer, degree of compliance with the specifications and/or determination of an acceptable offer.

## 3.0 Bidding Time

Bidding time is the period of time between the date of distribution of the Request for Bids and the date set for opening of bids. In each case, bidding time will be set to provide bidders a reasonable time to prepare their bids. A minimum of ten (10) calendar days shall be provided unless the purchasing agent or agent's designee deems a shorter time necessary. The purchasing agent or designee shall document the justification for the decision.

## 4.0 Bidder Submissions

- 4.1 Bid Form -The request for bids will provide a form which must include space in which the bid price will be inserted and which the bidder must sign and submit along with all other necessary terms, conditions and specifications. Bids must be signed in ink and placed in a sealed envelope or other sealed container. Bids may also be submitted by electronic copy through the county's designated system and include an electronic signature. Only bids submitted on the county's bid forms will be considered. The purchasing agent or designee may deem a bid non-responsive if it does not contain all bid documents or accept all the county's terms and conditions.
- 4.2 An unsigned bid may be accepted if the unsigned bid is accompanied by other material, such as a signed letter, which indicates the bidder's intent to be bound by the terms and conditions of the bid and is determined by the county to constitute a valid offer from the bidder. Any such determination must be reviewed by the attorney.
- 4.3 The county will have no obligation to pay any cost or expense associated with the preparation or submission of a bid.
- 4.4 Bid Samples and Descriptive Literature.
  - 4.4.1 Descriptive literature means information available in the ordinary course of business which shows the characteristics, construction, or operation of an item and assists the buyer in considering whether the item meets requirements or criteria set forth in the request for bid.
  - 4.4.2 Bid sample means a sample to be furnished by a bidder to show the characteristics of the item offered in the bid.
  - 4.4.3 Bid samples or descriptive literature maybe required when it is necessary to evaluate required characteristics of the items bid.
  - 4.4.4 Samples of items when called for in the request for bids, must be furnished free of expense, and if not destroyed by testing, will upon request, be returned at the bidder's expense. Samples submitted by the successful bidder may be held for comparison with merchandise furnished and will not necessarily be returned. Samples must be labeled or otherwise identified as called for by the

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buyer. Samples shall be kept until the time for filing a protest has passed.

- 4.5 Bid Security - Bid and performance bonds or other security may be required for supply contracts or service contracts as the buyer deems advisable to protect the interests of the county agency. Any such requirements must be set forth in the solicitation.
- 4.6 Bid Opening Procedures - Bids will be opened at the correct appointed day and time, by two or more authorized division employees. One employee is to open and read aloud the name and the bid amount. The other employee will record, in writing, the information being read.

## 5.0 Public Notice

- 5.1 Distribution - Request for bids or notices of the availability of request for bids will be furnished to a sufficient number of bidders for the purpose of securing reasonable competition. Where appropriate, the purchasing agent may require payment of a fee or a deposit for the supplying of the request for bids. Also, vendors may receive bids for selected commodities via the automated bid procedure in Section 5.2 of this policy.
- 5.2 Publication - Formal Advertised Solicitations and public procurement notices required by ordinance will be publicized in any or all of the following:
  - 5.2.1 In a newspaper of general circulation;
  - 5.2.2 In a newspaper of local circulation in the area pertinent to the procurement;
  - 5.2.3 In industry media;
  - 5.2.4 In a government publication designed for giving public notice; or
  - 5.2.5 Via the internet web page or other method available to take advantage of current technology.
- 5.3 Public Availability- A copy of the request for bids will be made available for public inspection at the Division of Contracts and Procurement's office. A list of all bid openings is posted in the Division of Contracts and Procurement's office, or on the division's website.

## 6.0 Bidders List

- 6.1 Public Availability- Subject to procedures established by the purchasing agent, names and business addresses of bidders on any bidding lists may be available in accordance with the Government Records Access and Management Act (ORAMA), as defined in Utah law.
- 6.2 Qualification Lists - Solicitations will not be restricted to only pre-qualified suppliers except as permitted by county ordinance 3.22.090. Qualifications for inclusion on a pre-qualification list may include such considerations as capabilities for production and distribution.

## 7.0 Pre-Bid Conferences

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Pre-Bid conferences may be conducted to explain the procurement requirements and to answer any questions the vendors may have. They will be announced to all prospective bidders in the request for bids. The conference should be held long enough after the request for bids has been issued to allow bidders to become familiar with it, but sufficiently before bid opening to allow consideration of the conference results in preparing their bids. Verbal statements or information given at a pre-bid conference are not binding unless released in an Addendum to the request for bids.

## 8.0 Addenda to Request for Bids

8.1 Application - Addenda should be used to:

- 8.1.1 Make any changes in the request for bids such as changes in quantity, specifications, purchase descriptions, delivery schedules, and opening dates;
- 8.1.2 Correct defects or ambiguities; or
- 8.1.3 Furnish to other bidders information given to one bidder if such information will assist the other bidders in submitting bids or if the lack of such information would be partial to other bidders.

8.2 Form - Addenda to request for bids will be identified as such and will require that the bidder acknowledge receipt of all addenda issued. Submission of the latest addendum RFB is sufficient to acknowledge receipt of all addenda issued. Absence of said acknowledgment could invalidate the bid response as determined by the county's evaluation of bidder's responsiveness, responsibility, extent of offer, degree of compliance with the specifications and/or determination of an acceptable offer.

8.3 Distribution - Addenda will be posted on the county's designated electronic system.

8.4 Timeliness - Addenda will be distributed within a sufficient time, to allow prospective bidders to consider them in preparing their bids.

- 8.4.1 If the time set for bid opening will not permit such preparations, such time will be increased in the addendum or, if necessary, by facsimile or telephone, and confirmed in the addendum.
- 8.4.2 If the original bid was advertised, any extension of time will be not less than 7 days from date addendum is issued, unless approved for a shorter period by the purchasing agent.

## 9.0 Pre-Opening Modification or Withdrawal of Bids

9.1 Definition - Bids may be modified or withdrawn by a signed written notice received in the office designated in the request for bids prior to the time set for bid opening. A modification or withdrawal must be received prior to bid opening.

9.2 Disposition of Bid Security- Bid security, if any, will be returned to the bidder when

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withdrawal of the bid is permitted.

9.3 Records - All documents relating to the modification or withdrawal of bids will be made a part of the appropriate procurement file.

## **10.0 Late Bids, Late Withdrawals, and Late Modifications**

10.1 Definition - Any bid, withdrawal, or modification, is considered late if it is received after the time and date set for opening of bids at the place designated for opening.

10.2 Treatment - Bids, modifications or corrections received after the opening time specified will not be considered. This applies regardless of the circumstances surrounding the lateness of the receipt of bid. Exceptions to this policy include, but are not limited to, action or inaction of procurement personnel, filing errors, etc., provided that any misplaced bid responses were received prior to the date and time of bid opening and were properly documented.

10.3 Records - Records will be made and kept for each late bid, late modification, or late withdrawal as a part of the appropriate procurement file.

## **11.0 Receipt, Opening, and Recording of Bids**

11.1 Receipt - upon receipt, all bids and modifications will be logged in, time stamped, but not opened. They will be stored in a secure place until bid opening time.

11.2 Opening and Recording- Bids and modifications will be opened publicly, in the presence of one or more witnesses, at the time and place designated in the request for bids. The name of the bidders, the bid price, and such other information as is deemed appropriate by the purchasing agent or designee, shall be read aloud or otherwise be made available. The opened bids will be available for public inspection except to the extent the bidder designates trade secrets or other proprietary data to be confidential as set forth in Subsection 11.3 of this section. Material so designated will accompany the bid and will be readily separable from the bid in order to facilitate public inspection of the non-confidential portion of the bid. Make, model, and catalogue numbers of the items offered, deliveries, and terms of payment will be publicly available at the time of bid opening regardless of any designation to the contrary.

11.3 Confidential Data - The purchasing agent or designee will examine the bids to determine the validity of any requests for non-disclosure of trade secrets and other proprietary data identified in writing. If the parties do not agree as to the disclosure of data, the procurement officer will inform the bidder in writing what portions of the bids will be disclosed. Blanket claims that the entire bid is confidential will be denied.

11.4 Public Information - All bids become the property of the county and will be treated as public information in accordance with GRAMA.

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## 12.0 Mistakes in Bids

- 12.1 If a mistake is attributable to an error in judgment, the bid may not be corrected. Bid correction or withdrawal by reason of an inadvertent, non-judgmental mistake or minor informality is permissible, but at the discretion of the purchasing agent and to the extent it is not contrary to the interest of the county or fair treatment of other bidders.
- 12.2 Mistakes Discovered Before Opening - A bidder may correct mistakes discovered before bid opening by withdrawing or correcting the bid as provided in Section 9.0 (Pre-Opening Modification or Withdrawal of Bids).
- 12.3 Confirmation of Bid - when it appears from a review of the bid that a mistake has been made, the bidder should be requested to confirm the bid. Situations in which confirmation should be requested include obvious, apparent errors on the face of the bid or a bid unreasonable lower than the other bids submitted. If the bidder alleges mistake, the bid maybe withdrawn if the conditions set forth in Subsections (12.1), (12.4) and (12.6) of this section are met.
- 12.4 Mistakes Discovered After Opening but Before Award - This subsection sets forth procedures to be applied in three situations described below in which mistakes in bids are discovered after opening but before the award.
- 12.4.1 Minor Informalities - matters of form rather than substance evident from the bid document, or insignificant mistakes that can be waived or corrected without prejudice to other bidders; that is, the effect on quantity, quality, delivery, or contractual conditions is not significant. The procurement officer may waive such informalities. A written determination of the basis for the waiver will be included in the purchasing file. Examples include the failure of a bidder to: (i) Return the number of signed bids required by the request for bids; (ii) sign the bid; (iii) acknowledge receipt of an addendum to the request for bids, but only if the addenda involved had a negligible effect on price, quantity, quality, or delivery.
- 12.4.2 Mistakes Where Intended Bid is Evident - If the mistake and the intended bid are clearly evident on the face of the bid document, the bid will be corrected to the intended bid and may not be withdrawn. Examples include: errors in extending unit prices, transposition errors, and mathematical errors.
- 12.5 Mistakes Discovered After Award - will not be corrected after the award of the contract, unless deemed to be in the county's best interest.
- 12.6 Written Approval or Denial Required - The purchasing agent will approve or deny, a bidder's request to correct or withdraw a bid. Such approval or denial may be so indicated on the bidder's written request for conection or withdrawal.

## 13.0 Bid Evaluation and Award

- 13.1 General -The contract is to be awarded to the lowest responsible and responsive bidder,

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best value bidder, or in the appropriate instance, to the highest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the request for bids. The request for bids will set forth the requirements and criteria to determine the award of the bid. No bid will be evaluated for any requirements or criteria that are not disclosed in the request for bids. If an award is made for other than the low initial price, the reasons must be documented. A request for bids, a request for bid and resulting contract, a request for proposals, or other solicitations may be canceled, or any or all bids or proposals may be rejected, in whole or in part, when it is deemed to be in the best interests of the county.

13.1.1 Responsiveness relates to compliance with the provisions of the solicitation, including specifications and contractual terms and conditions.

13.1.2 Responsibility relates to the ability of a bidder to successfully carry out a proposed contract. Other considerations bearing on determination of responsibility can be experience, past performance, business and financial capabilities, skills and reliability.

13.2 Product Acceptability- The request for bids will set forth the evaluation criteria to be used in determining product acceptability. It may require the submission of bid samples, descriptive literature, technical data, or other material. It may also provide for:

13.2.1 Inspection or testing of a product prior to an award for such characteristics as quality or workmanship;

13.2.2 Examination of such elements as appearance, finish, taste, or feel; or

13.2.3 Other examinations to determine whether it conforms to any other purchase description requirements. The acceptability evaluation is not conducted for the purpose of determining whether one bidder's item is superior to another but only to determine that a bidder's offering is acceptable as set forth in the request for bids. Any bidder's offering which does not meet the acceptability requirements will be rejected.

13.3 Determination of Lowest Bid - Bids will be evaluated to determine overall economy for the intended use, in accordance with the evaluation criteria set forth in the request for bids. Examples of such criteria include: transportation cost, energy cost, ownership and other identifiable costs or life cycle cost formula. Evaluation factors need not be precise predictors of actual future costs but to the extent possible such evaluation factors will:

13.3.1 Be reasonable based upon information the county has available concerning future use; and

13.3.2 Treat all bids equitably

13.4 Only One Bid or Proposal Received - If only one responsive bid is received in response to a request for bids, an award may be made to the single bidder if the purchasing agent finds that the price submitted is fair and reasonable, that other prospective bidders had reasonable opportunity to bid, and that the bids were not restrictive. Otherwise, the bid

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may be rejected and:

13.4.1 New bids or offers maybe solicited to allow for more competition on this product or service; or

13.4.2 The proposed procurement may be canceled.

13.5 Other considerations in Evaluation - After opening bids, Contracts and Procurement may refer bids to the using agency for its review and recommendations to assist in making the correct award. During the period of evaluation, possession of bids and accompanying information is limited to personnel of Contracts and Procurement and the using agency who are responsible for participating in the evaluation. Vendor may be asked for further information or equipment physical or performance specifications, or clarification of bid, during the evaluation process, provided that such additional information is needed to determine the lowest responsive and responsible bidder, best value bidder, or in the appropriate instance, the highest responsible and responsive bidder and does not affect price, quality, etc.

## **14.0 Tie Bids**

14.1 Award - Award will be made by drawing lots by the Division of Contracts and Procurement or by dividing business among tied bidders. If there is a tie bid where one of the vendors qualifies for a Preference, then the award shall be made to the vendor that qualifies for the most Preferences; if the tied vendors qualify for the same amount of Preferences the award shall be made by drawing lots by the Division of Contracts and Procurement or by dividing business among tied bidders.

## **15.0 Vendor Selection**

15.1 Selection - the Division of Contracts and Procurement will pursue vendors who are capable of providing goods and services to the county. Attention will be given to ensure that specifications promote maximum competition without reducing the quality received. New prospective suppliers may be found in a wide range of sources.

15.2 Non-conformance - Instances of non-conformance with specifications, with contractual terms and conditions, or other types of complaints concerning suppliers should be recorded to deal with poor performing suppliers. Complaints signaling poor performance are a basis for withholding payment and/or possible debarment as a future supplier. Complaints against vendors shall be in writing and note all deficiencies. The Division of Contracts and Procurement will contact the supplier regarding a complaint. The vendor will be asked to respond in writing to the purchasing agent on what corrective action has or will be taken. Matters such as failure to meet delivery dates, failure to meet specifications, and failure to meet promises should be documented in the form of written reports.

## **16.0 Documentation**

Sufficient records should be kept to allow reconstruction of a decision at a later date. Good records are valuable for efficient operation of the division.

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- 16.1 Sole source- Any agencies requesting approval of an award of a contract (or purchase order) based up on a "sole source" will document why that vendor is the only source of supply for the item or service. Also the request will include an explanation as to why no other item or service would be suitable to meet the county's needs. Each request will be reviewed by the purchasing agent or his designee on a case by case basis. Cost of items or delivery time will not be considered as a sole source criteria except in the case of unreasonable transitional costs as defined in county ordinance.
- 16.2 Exigency - There will be documentation which will "reflect that the need was compelling and of unusual urgency" and "the county would be seriously injured, financially or otherwise," Also, how the selection of the vendor or contractor was made. If there is sufficient time, buyers shall expedite some type of competitive procedure to ensure\_ that the purchase is made on a competitive basis to the maximum practical extent.
- 16.3 Emergency Procurement - Emergency conditions as defined under Ordinance 3.20.040 require a "written determination of the basis for the emergency and for the selection of the particular contractor." The documentation will include:
- 16.3.1 The Contractor's (vendor) name
  - 16.3.2 The amount and type of contract
  - 16.3.3 A listing of the supplies, services or construction procured under this condition.
- 16.4 Non-responsive bids - In any case where a determination to award a bid other than the low bid, or high bid if appropriate, there must be a written determination containing all information, including reason for awarding a bid other than the low bid or high bid, if appropriate.

## **17.0 Request for Contracts**

- 17.1 Contracting for goods and services is an accepted way of buying what is widely used in the county. Contracts may be initiated by a Request for Bids with Resulting Contract (RFC), vendor-prepared contract, formal written contract or any other legal and lawful means provided by ordinance.
- 17.2 In order for a purchasing contract to be beneficial, two conditions should be considered:
- 17.2.1 The annual dollar volume should exceed fifty thousand dollars (\$50,000).
  - 17.2.2 The frequency of purchases should exceed twenty (20) per year.
- 17.3 Options to renew a contract shall be explained in the request for bids and will be for the same contract term and conditions. Normal options would be for an initial period with the renewal options as stated in the RFC. The county desires to take advantage of all price decreases during the contract pe1iod. Where market prices are decreasing, the vendor may pass the lower prices on to the county at the same discount rate contained in the contract.

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If the vendor is unwilling to provide the lower prices to the county, the contract should not be renewed. After all renewals have been exercised, the county shall have the right to extend an agreement for a period not to exceed six months for the purpose of re-bidding the contract. In the event that an agreement is materially affected by changes to Medicaid funding and requirements, after all renewals have been exercised, the county shall have the right to extend an agreement for a period not to exceed twelve months for the purpose of re-bidding the contract.

17.4 Selected contracts may provide for price adjustment under the contract terms and under certain stated conditions. The contract may provide an initial period during which the bid prices must remain firm against any increase, usually six (6) to twelve (12) months. Any requests for a price increase from the vendor should be submitted in writing and include justification for such increase. Justification for a price increase should be linked to an independent index or indicator not controlled by either the county or the seller. Suppliers must submit necessary data supporting a request for price increase. Price increases may be awarded at the county's sole discretion.

17.5 Contracts may be awarded to more than one vendor for like goods or services. Comparisons and other purchasing evaluation factors will be placed in the agency file and shall detail which product is the most advantageous for the county. Factors to take into consideration, in addition to price could be availability, delivery requirements, service, product compatibility, etc.

17.6 Information on contracts for goods and services will be available to all county agencies. Contracts may permit an unlimited number of purchases to be made of a particular good or service for a definite period of time at the contract price.

## **18.0 Protest and Appeal**

From time to time individuals or companies will feel that they did not get a fair analysis of their bid or offer. Only those protests received in writing and in a timely manner will be acted upon by the Division of Contracts and Procurement. Either the mayor or the purchasing agent will investigate the claim and immediately notify the attorney. While the mayor or the purchasing agent is investigating the protest, the order will be placed on hold and the vendor in which the order was placed will be notified to halt any further action. Protests may be referred to the attorney for review. If the protest is concerning the specification used and if the bids have not been opened at the time the protest is received, all bids will be held unopened and the purchasing agent or his designee will investigate the specifications. If the specifications are found not to be restrictive, the bids may be opened and the purchase order may be awarded.

## **19.0 Debarment or Suspension**

19.1 Performance standard matters such as failure to meet delivery dates, failure to meet specifications, and failure to keep promises should be documented in the form of written reports by the using agency and by sending copies of complaints to the vendors in question.

19.2 After consultation with the attorney, the purchasing agent can suspend a vendor from consideration for award of contracts, if there is reasonable suspicion that the person has

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engaged in any activity that might lead to debarment. The suspension will not be for a period exceeding six months.

19.3 After reasonable notice to the vendor involved and reasonable opportunity for that person to be heard, the purchasing agent, after consulting with the attorney, is authorized to debar a vendor for cause, from consideration for award of contracts. The debarment will not be for a period of more than three years. The causes for debarment include:

19.3.1 Conviction for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract, subcontract, or in the performance of a contract or subcontract.

19.3.2 Conviction under state and federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which currently, seriously and directly affects his ability to perform as a county contractor.

19.3.3 Conviction under State or Federal antitrust statutes.

19.3.4 Violation of contracts provisions, of a nature regarded by the purchasing agent to be serious enough to justify debarment action.

19.3.5 Failure, without just cause, to perform in accordance with the terms of the contract.

19.3.6 Any other cause that the purchasing agent reasonably determines to be as serious and compelling as to affect responsibility, as a vendor including debarment by another governmental entity.

19.3.7 Violation of the ethical standards set forth in this policy or state law and county ordinance.

19.3.8 Lack of experience or prior performance of work not acceptable to the county.

19.3.9 Intentional misstatement and/or misrepresentation to obtain a preference offered under this policy.

19.4 When debarment is justified, the purchasing agent will inform the vendor in writing. A vendor may be reinstated only on evidence that the problems that caused debarment have been corrected and only after a three (3) month suspension period.

19.5 The debarment decision maybe appealed through the Mayor.

## **20.0 Preference System in Procurement under this Policy**

20.1 It is the policy of the county to award contracts for goods and services based upon a Preference System that encourages responsible business practices and small, women-

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owned or minority-owned emerging business enterprises.

20.2 The Health Care Preference shall accrue to vendors who currently provide and will maintain the following through the term of the contract with the county:

20.2.1 A health benefit plan, as defined by Utah law, made available to the vendor's covered employees and their dependents.

20.3 The Small, Women-Owned, or Minority-Owned Emerging Business Preference shall accrue to bidders who provide current certification as a small, women-owned or minority-owned emerging business with their proposal. Agencies through which vendors may obtain and provide certification include:

20.4 The Veterans and Companywide Hiring Preferences shall accrue to vendors who currently provide and will maintain all of the following through the term of the contract with the county:

- Small Business Administration
- National Minority Supplier Development Council and regional affiliates

20.4.1 For veterans:

20.4.1.1 A completed and signed certificate explaining its program to actively recruit and employ veterans that includes the success rate of its program by listing the percentage of its workforce that qualifies as veterans under this policy.

20.4.1.2 A completed and signed certificate verifying that a vendor has employed, and is currently employing, at least one veteran under its recruitment program.

20.4.2 Companywide:

20.4.2.1 A drug and alcohol testing policy that applies to all covered individuals employed or hired by the vendor and requires covered individuals to submit to random testing;

20.4.2.2 A job training program recognized by a federal, state, or local governmental entity,

20.4.2.3 A job safety program that complies with job safety and health standards of the Occupation and Safety Health Administration (OSHA) or the state standards which are at least as effective as the federal standards.

20.5 The Purchasing Agent shall apply the Preference System to procurements under this Policy as follows:

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20.5.1 An award shall be made to the responsive and responsible vendor that qualifies for the most Preferences, if the qualifying vendor's bid is equal to or less than 104% of the lowest responsive and responsible bid or within \$50,000, whichever value is less. If multiple vendors qualify for the same number of Preferences, the award shall be made to the lowest responsive and responsible bid submitted among them.

## 21.0 Best Value Bidding

21.1 Purpose - The purpose of best value bidding is to allow factors in addition to price to be considered in the determination of award for specific goods or services based on pre-determined criteria identified by the county.

21.2 Conditions for use - best value bidding may be used to enter into a purchase order or contract with the approval of the purchasing agent "best value bidding" must be provided by the county agency or buyer.

21.3 Evaluation Factors - The best value bid specifications shall state the factors to be used in determination of award and the numerical weighting for each factor. Cost must be a factor in determination of award and cannot be weighted at less than fifty percent (50%). Best value bid evaluation factors may include any of the following as recommended by the county agency and approved by the purchasing agent: 1) past performance, 2) trade-in considerations, 3) life span, 4) warranty considerations, 5) environmental and energy efficiency considerations, 6) delivery terms, 7) experience, 8) life cycle costs, 9) references. Final approval of the evaluation factors shall be made by the purchasing agent or designee prior to release.

21.3.1 A best value bidder who qualifies for a Preference shall receive a bonus of two percent (2%) of the total points available added to the total score for each Preference.

21.3.2 The relevant factors that make up the evaluation criteria for a best value bid must be properly and clearly communicated to the vendors. The rating factors must be objective and quantifiable criteria, which can be clearly communicated to all bidders. The bid will include the scoring evaluation system to award the contract/purchase order and how the points will be awarded.

21.3.3 Industry benchmark data will be collected by the using agency so that the data used to evaluate the criteria for best value is well documented to explain the decision-making process. Sources of reliable data for evaluation shall be included with the data.

21.3.4 The purchasing or contract file must be documented by a reasoned explanation as to why one offeror's features are preferred at the price proposed over another proposal. Evaluation must be reasonable and must bear a rational relationship to the evaluation criteria.

21.3.5 Discussion may be conducted with apparent responsive bidders to assure

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understanding of the best value bid. Discussions will be conducted by the Division of Contracts and Procurement along with the requesting agency. Bids shall be evaluated by using only the criteria stated in the best value bid and by adhering to the weighting as assigned. All evaluation factors, other than cost, will be considered prior to determining the effect of cost on the score for each participation bidder. Award will be made to the responsive and responsible bidder, whose bid is determined, in writing, to be most advantageous to the county, taking into consideration all evaluation factors set forth in the best value bid.

21.4 Award - Award will be made to the responsive and responsible bidder, whose bid is determined, in writing, to have the highest best value score. The contract file shall contain the basis on which the award is made.

## **22.0 Request for bids for reverse auction**

22.1 The reverse auction bidding process begins when the purchasing agent issues an invitation for bids to bidders to participate in the reverse auction.

22.2 The invitation for bids shall:

- (a) State the period of time during which bids will be accepted;
- (b) State that the bid will be conducted by reverse auction;
- (c) Describe the procurement items sought;
- (d) Describe the minimum requirements to participate;
- (e) State the required contractual terms and conditions; and
- (f) Describe the procedure that the purchasing agent will follow in conducting the reverse auction.

22.3 In order to participate in a reverse auction, a bidder shall agree to:

- (a) The specifications, and contractual terms and conditions, of the procurement; and
- (b) Be trained in, and abide by, the procedure that the purchasing agent will follow in conducting the reverse auction.

22.4 The purchasing agent shall publish an invitation for bids for a reverse auction in accordance with the requirements of Section 3.20.020.

## **Reference**

Salt Lake County Ordinance Chapters 3.15, 3.16, 3.20 and 3.24.