
1 **2018-41 (1ST READING): AN ORDINANCE OF 2 PARTS. PART 1: TO REPEAL IN**
2 **ITS ENTIRETY DIVISION 2, PURCHASING IN CHAPTER 2, ADMINISTRATION,**
3 **ARTICLE VI FINANCE. PART 2: TO ENACT CHAPTER 2, ADMINISTRATION,**
4 **ARTICLE VI FINANCE, DIVISION 2, PURCHASING TO ADJUST LIMITS FOR**
5 **REQUIRING FORMAL PROCUREMENT SOLICITATION & CONTRACT PROCEDURES;**
6 **TO CLARIFY THE COMPETITIVE BIDDING REQUIREMENT; TO AMEND THE LOCAL**
7 **PREFERENCE SUB-SECTION TO COMPORT W/ THESE AMENDMENTS; & TO ADD**
8 **PROCEDURES FOR FILING & RESOLVING DISPUTES & PROTESTS.**

9 **Applicant/Purpose:** Staff / To improve administrative procedures, clarify the requirement for
10 competitive bidding & add formal protest & dispute resolution procedures.
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12 **Brief:**

- 13 • The City's purchasing code was adopted in 1980 & amended in various respects in 1995,
14 2002, 2007, & 2011. The 1995, 2002 & 2011 amendments made changes in policies or
15 procedures. The 2007 amendment changed the limits of purchases requiring:
 - 16 ○ Competitive bids from \$300 to \$2,500 for "local purchase orders."
 - 17 ○ Written bids from \$2,500 to \$5,000.
- 18 • This proposed amendment enacts the following changes:
 - 19 ○ Changes the term "local purchase order" to "limited purchase order (LPO)."
 - 20 ○ Requires competitive procedures for all purchases, including competitive
21 quotes for purchases made by LPO.
 - 22 ○ Names the department head as the acting purchasing agent when using LPOs &
23 requires the same documentation for sole source or emergency purchases as is
24 required under oral or written RFP processes.
 - 25 ○ Allows LPO use for purchases up to \$7,500, allows oral quotes for purchases up
26 to \$25k, but requires written procedures for purchases > \$25k.
 - 27 ○ Proposed limits are consistent w/ those of similarly sized cities.
 - 28 ○ Allows for publication by means other than newspaper. Provides public notice
29 & listing requirements for agencies acting as City's listing or sales agents.
 - 30 ○ Establishes a formal protest & appeals process to handle disputes.

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32 **Issues:**

- 33 • From time to time, the limits & other features of the purchasing code are revisited to
34 adjust for factors including:
 - 35 ○ Volume of purchases requiring more complex procedures.
 - 36 ○ Changes in the value of money.
 - 37 ○ Economic & technological changes that enhance effectiveness or efficiency.
- 38 • The proposed appeal process includes the following:
 - 39 ○ An informal protest process upon notification w/in 5 days of the bid award.
 - 40 ○ If this is unsuccessful, the aggrieved party may initiate a formal protest:
 - 41 ▪ Written notice to the Purchasing Agent w/in 5 days of informal notice.
 - 42 ▪ Payment of 5% admin fee.
 - 43 ▪ During the pendency of the protest, the disputed contract will not be
44 awarded unless the Purchasing Agent finds that it is necessary.
 - 45 ▪ Purchasing Agent may hold a hearing &/or conduct an investigation.
 - 46 ▪ Purchasing Agent to render decision w/in 10 days of the notice.

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48 **Public Notification:** Normal meeting notification.
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50 **Alternatives:** Continue w/ current ordinance or change any terms of the amendment.
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52 **Financial Impact:** No direct financial impact, but productivity improvements are likely.
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54 **Manager's Recommendation:** I recommend 1st reading.
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56 **Attachment(s):** Ordinance.

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CITY OF MYRTLE BEACH
COUNTY OF HORRY
STATE OF SOUTH CAROLINA

AN ORDINANCE OF TWO PARTS.

PART ONE: TO REPEAL IN ITS ENTIRETY
DIVISION 2, PURCHASING IN CHAPTER 2,
ADMINISTRATION, ARTICLE VI FINANCE.

PART TWO: TO ENACT CHAPTER 2,
ADMINISTRATION, ARTICLE VI FINANCE,
DIVISION 2, PURCHASING TO ADJUST LIMITS
FOR REQUIRING FORMAL PROCUREMENT
SOLICITATION AND CONTRACT PROCEDURES;
TO CLARIFY THE COMPETITIVE BIDDING
REQUIREMENT; TO AMEND THE LOCAL
PREFERENCE SUB-SECTION TO COMPORT WITH
THESE AMENDMENTS; AND TO ADD
PROCEDURES FOR FILING AND RESOLVING
DISPUTES AND PROTESTS.

PART ONE:

It is ordained that DIVISION 2, PURCHASING of CHAPTER 2, ADMINISTRATION, ARTICLE VI
FINANCE is repealed in its entirety.

PART TWO:

WHEREAS, Section 2-241 of the Code of Ordinances of the City of Myrtle Beach
establishes the office of purchasing agent and outlines the specific duties assigned
thereto; and,

WHEREAS, item 6 of Section 2-241 makes the purchasing agent responsible for
“obtaining as full and open competition as possible on all purchases, contracts and
sales”; and,

WHEREAS, developing technologies have made available new and sometimes more
effective methods of serving public notice, requesting and receiving proposals,
conducting auctions and serving other functions of the purchasing agent; and

WHEREAS, it is desirable to make provision for the City to take full advantage of such
technologies where they offer improvements in productivity or effectiveness without
compromising the objectives of the purchasing code as stated in Sec. 2-241;

NOW THEREFORE, the City Council of the City of Myrtle Beach, in Council duly
assembled, hereby amends Chapter 2, Article VI, to read in its entirety as follows:

43 Sec. 2-241. - Purchasing agent; specified duties.
44 The city manager, or an officer of the city designated by the city manager, shall be the
45 purchasing agent for the city. He shall be responsible for:

46 (1) The purchase of supplies, materials and equipment and contractual services
47 required by any office, department or agency of the city government.

48
49 (2) The storage and distribution of all supplies, materials and equipment required by
50 any office, department or agency of the city government.

51
52 (3) Establishing written specifications, whenever practicable, for supplies, materials
53 and equipment required by any office, department or agency of the city government.
54 Such specifications shall be definite and certain and shall permit competition.

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56 (4) Maintaining, whenever practicable, a perpetual inventory record of all materials,
57 supplies or equipment stored in store rooms or warehouses.

58
59 (5) Soliciting and maintaining an up-to-date list of qualified suppliers who have
60 requested their names to be added to a "bidders list." The purchasing agent shall have
61 authority to remove temporarily the names of vendors who have defaulted on their
62 quotations, attempted to defraud the city or who have failed to meet established
63 specifications or delivery dates.

64
65 (6) Obtaining as full and open competition as possible on all purchases, contracts and
66 sales.

67
68 Sec. 2-242. - Competitive processes required.

69 (1) Before any purchases or contracts for supplies, materials, equipment or services
70 are made, the purchasing agent shall give ample opportunity for competitive bids or
71 proposals. If any of the low bids received are for the same total amount or unit price,
72 quality and service being equal, the contract shall be awarded to the local bidder. If
73 two or more of such bids are submitted by local bidders, the purchasing agent shall
74 award the contract to one of the local tie bidders by drawing lots in public. If local
75 bidders are not involved in the tie bids, the purchasing agent shall award the contract
76 to one of the outside tie bidders by drawing lots in public.

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78 (2) No contract or purchase shall be subdivided with the effect of avoiding the
79 requirements of this section.

80
81 (3) However, in the event of an emergency affecting the public welfare, health or
82 safety, neither the provisions of this section nor those of Section 2-243 shall apply. An
83 "emergency" is a sudden, unexpected, or impending situation that may cause injury,
84 loss of life, damage to property, and/or interference with normal activities and which,
85 therefore, requires immediate attention and remedial action. The purchasing agent
86 shall file a full report of the circumstances of an emergency purchase to be kept on file
87 for a period of seven years.

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90 Sec. 2-243. - Requirements for written vs. oral procedures to ensure competition.

91 (1) Written procedures required for certain purchases and sales.

92 (a) All supplies, equipment, and contractual services, except as otherwise
93 provided herein, when the estimated cost thereof shall exceed \$25,000.00 shall
94 be purchased by formal, written contract from the lowest responsible bidder or
95 proponent, after due notice inviting bids or proposals.

96 (b) All sales of personal property that has become obsolete or unusable, when
97 the estimated value shall exceed \$5,000.00, shall be sold by formal written
98 contract or at a public auction to the highest responsible bidder, after due notice
99 inviting proposals or bids.

100 (2) Oral procedures permitted for purchases in amounts not exceeding \$25,000.

101 All supplies, equipment, and contractual services, except as otherwise provided
102 herein, when the estimated cost thereof shall not exceed \$25,000.00, may be
103 purchased on the basis of requests for oral quotes from no fewer than three
104 vendors.

105 (3) Limited Purchase Orders ("LPO").

106 A Limited Purchase Order (an "LPO") is a mechanism by which departments of
107 City government may purchase supplies or equipment of a value not exceeding
108 \$7,500. The purchasing agent may allow directors of city departments to
109 authorize purchases to be made by LPO, in which case the director of the
110 appropriate department shall act in the capacity of the purchasing agent and, in
111 so acting, shall be responsible for all duties ascribed to the purchasing agent by
112 this code. Limited Purchase Orders may not be used in order to contravene the
113 Sec. 2-242 objectives of observing competitive processes or of prohibitions
114 against subdividing a purchase. The use of an LPO for the purpose of making an
115 emergency purchase shall not relieve the user of the responsibility to document
116 and retain documentation regarding the emergency purchase per the provisions
117 of Section 2-242(3).
118

119 Sec. 2-244. - Award to lowest bidder; advertising, when required.

120 (1) All contracts for city improvements, materials, equipment or services to be
121 purchased, or for equipment to be disposed of, under Sec. 2-243(1) shall be
122 purchased by competitive sealed bid or proposal and shall be awarded to the
123 lowest responsible bidder, subject to the provisions of section 2-255, after public
124 notice by means generally accessible in the city at least five working days before
125 the last day set for receipt of proposals; provided, however, that in case of
126 professional services, this section shall not apply. The notice required herein
127 shall include a general description of the articles or services to be purchased or
128 sold, shall state where the necessary bid or proposal documents and
129 specifications may be secured, and the time and place for opening responses.
130 For purchasing conducted under Sec. 2-243(1)(a), the notice shall include, at
131 minimum, publication in a newspaper of general circulation in the city.

132 (2) When selling City property under Sec. 2-243(1)(b), nothing in this section shall
133 prevent the purchasing agent's contracting with outside agents for the purpose
134 of serving public notice, listing items to be sold, conducting auctions and
135 providing other services to the City as a listing and sales agent.

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139 Sec. 2-245. - Bid deposits.

140 When deemed necessary by the purchasing agent, bid deposits shall be prescribed in
141 the public notices inviting bids. Upon entering into a contract, bidders shall be
142 entitled to return of bid deposit where the purchasing agent has required such. A
143 successful bidder shall forfeit any bid deposit required by the purchasing agent upon
144 failure on his part to enter into a contract within ten days after the award; provided,
145 however, that the city, in its uncontrolled discretion, may waive this forfeiture.
146

147 Sec. 2-246. - Sealed bid procedures.

148 Procedure for sealed bids shall be as follows:

149 (1) Sealing. Bids shall be submitted to the purchasing agent securely sealed in an
150 envelope, and shall be identified on the envelope in accordance with bid instructions.
151

152 (2) Opening. Bids shall be opened in public at the time and place stated in the public
153 notices.
154

155 (3) Tabulation. A tabulation of all bids received shall be available for public
156 inspection.
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158 (4) Rejection of bids. The purchasing agent shall have the authority to reject all
159 bids, parts of all bids, or all bids for any one or more supplies or contractual services
160 included in the proposed contract.
161

162 (5) Bidders in default to city. The purchasing agent shall not accept the bid of a
163 vendor or contractor who is delinquent in the payment of taxes, license or other
164 monies due the city.
165

166 (6) Award of contract.

167 a. Authority in agent. The purchasing agent shall have the authority to award
168 contracts within the purview of this article; provided, however, that contracts
169 in excess of \$1,000.00 shall not be awarded without prior approval of the city
170 manager. Written purchase orders shall not fall under this requirement.
171

172 b. Lowest responsible bidder. Subject to section 2-255, contracts shall be
173 awarded to the "lowest responsible bidder". In addition to price, the purchasing
174 agent shall consider:

175 1. The ability, capacity and skill of the bidder to perform the contract
176 or provide the service required;

177 2. Whether the bidder can perform the contract or provide the service
178 promptly or within the time specified, without delay or interference;

179 3. The character, integrity, reputation, judgment, experience and
180 efficiency of the bidder;

181 4. The quality of performance of previous contracts or services;

182 5. The previous and existing compliance by the bidder with laws and
183 ordinances relating to the contract or services;

184 6. The sufficiency of the financial resources and ability of the bidder
185 to perform the contract or provide the service;

186 7. The quality, availability and adaptability of the supplies or
187 contractual services to the particular use required;

188 8. The ability of the bidder to provide future maintenance and service
189 for the use of the subject of the contract;

189 9. The number and scope of conditions attached to the bid.

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(7) Award to other than low bidder. When the award is not given to the lowest bidder, a full and complete statement of the reasons for placing the order elsewhere shall be prepared by the purchasing agent and filed with the papers relating to the transaction and held for a period of no less than 12 months.

(8) Tie bids. If any of the low bids received are for the same total amount or unit price, quality and service being equal, the contract shall be awarded to the local bidder. If two or more of such bids are submitted by local bidders, the purchasing agent shall award the contract to one of the local tie bidders by drawing lots in public. If local bidders are not involved in the tie bids, the purchasing agent shall award the contract to one of the outside tie bidders by drawing lots in public.

(9) Performance bonds. The purchasing agent shall have the authority to require a performance bond, before entering into a contract, in such form and amount as he shall find reasonably necessary to protect the best interests of the city.

(10) Payment bond/labor and material bond. The purchasing agent may require a payment bond and a labor and material bond, before entering into a contract, in such form and amount as he or she shall deem necessary to protect the best interest of the city.

Sec. 2-247. - Materials testing.

The purchasing agent shall have the authority to require chemical and physical tests of samples submitted with bids and samples of deliveries which are necessary to determine their quality and conformance with the specifications. In the performance of such tests, the purchasing agent shall have the authority to make use of laboratory facilities of any agency of the city government or any outside laboratory.

Sec. 2-248. - Financial interest of city officials and employees prohibited.

No member of the city council or any officer or employee of the city shall have a financial interest in any contract or in the sale to the city or to a contractor supplying the city of any land or rights or interests in any land, material, supplies or services; except when a majority of the city council determines such exception is in the best interest of the city; provided, that no councilmember whose interest is involved shall vote on the question. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee of the city found guilty thereof shall thereby forfeit his office or position. Any violation of this section with the knowledge express or implied of the person or corporation contracting with the city shall render the contract voidable by the city manager or the city council.

Sec. 2-249. - Records of open market orders and bids.

The purchasing agent shall keep a record of all open market orders and the bids submitted in competition thereon, and such records shall also be open to public inspection.

Sec. 2-250. - Stock—Obsolete and Surplus, Reporting and Disposition.

(1) Obsolete stock reports.

All offices, departments or agencies of the city government shall submit to the purchasing agent, at such times and in such form as he shall prescribe, reports

240 showing stocks of all supplies which are no longer used or which have become
241 obsolete, worn-out or scrapped.

242

243 (2) Surplus stock.

244 The purchasing agent shall have authority to transfer surplus stock to other offices,
245 departments or agencies of the city government.

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247 (3) Supplies unsuitable for public use, sale or exchange.

248 The purchasing agent with the approval of the city manager shall have the
249 authority to sell all supplies which have become unsuitable for public use, or to
250 exchange the same for, or trade in the same on, new supplies. Such sales shall be
251 made to the highest bidder, and in conformance with section 2-242. All monies
252 received from such sales shall be paid into the appropriate fund of the city.

253

254 Sec. 2-251. - Standards of conduct.

255 In all actions involving the procurement of supplies, services, or construction for the
256 city, the provisions of the State Ethics Act shall be complied with in full.

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258 Sec. 2-252. - Cooperative purchasing.

259 The purchasing agent shall have authority to join with other units of government in
260 cooperative purchasing plans when the best interests of the city would be served
261 thereby; provided, that the purchasing agent of the city is given the authority to make
262 purchases of supplies and equipment through the property division of the state budget
263 and control board, without the formality of publication and receiving competitive
264 bids.

265

266 Sec. 2-253. - Local preferences.

267 Whenever the purchasing agent purchases services, supplies, materials, and/or
268 equipment for the city through the use of competitive process, including quotes, bids
269 and proposals, a percentage preference shall be used for evaluation purposes, according
270 to the categories as set forth herein. When bid submissions are evaluated, a percentage
271 from the local preference classification shall be deducted from the total dollar amount
272 bid by local vendors on competitive quotes and bids, and from the total evaluated
273 aggregate score obtained by local vendors on proposals. The total amount of local
274 preference granted in a single bid shall not exceed as set forth herein over a non-local
275 vendor. The award shall be made at the full price of the quote, bid or proposal. In the
276 case of an absolute tie, an award will be made to the local vendor. In the case of a tie
277 between local vendors, the award will be determined by lot.

Bid Amount	Within City Limits	Within Horry County	Within NESAs Area
From \$7,500.01 to \$25,000.00	5% of Bid	4% of Bid	3% of Bid
\$25,000.01 and up	\$500.00 plus 4% of amount above \$25,000.00 with the maximum being \$2,000.00, including the \$500.00	\$400.00 plus 3% of amount above \$25,000.00, with the maximum being \$1,800.00, including the \$400.00	\$300.00 plus 2% of amount above \$25,000.00, with the maximum being \$1,600.00, including the \$300.00

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2 (1) When requesting any level of local preference, the vendor shall submit to the
3 purchasing division sufficient evidence that such business has had a business license in
4 the City of Myrtle Beach for a period exceeding 90 days before the request for bid
5 proposal is made public.

6
7 (2) The local vendor preference does not apply to bids conducted jointly with other
8 public agencies, nor when prohibited by state or federal statutes or regulations that
9 require award to the lowest responsible bidder, or otherwise exempted from local
10 preferences

11
12 (3) To qualify for the local vendor preference, the vendor must meet all of the
13 following requirements:

14 a. The vendor must complete the application process as determined by the
15 manager and affirm their qualifications.

16
17 b. The vendor must have maintained a physical address and office as a principal
18 place of business within the defined boundaries of the category sought for at
19 least one year, and during that time have had a majority of full-time employees,
20 chief officers and managers regularly conducting work and business from this
21 office; and

22
23 c. The vendor must submit a copy of their local vendor preference certificate
24 with their bid.

25
26 (4) An eligible business shall maintain such status throughout the term of any contract
27 with the city. Failure to maintain such status or to keep current on all fees and taxes to
28 the city shall be grounds to terminate the contract.

29
30 Sec. 2-254. - Dispute or Protest

31 Whenever an Interested Party, as defined herein, shall disagree for a valid reason with
32 any award made by the City through its Purchasing Agent, such Interested Party may
33 seek consideration and resolution of any such dispute by following the procedures
34 provided for in this section.

35
36 (1). Definitions

37 "Dispute"—disagreement of an Interested Party with a decision or an award
38 made with respect to a request for proposals or bids.

39
40 "Informal Dispute Resolution"—a process by which an Interested Party registers
41 a verbal or written complaint or concern with the purchasing agent or his or
42 her designee.

43
44 "Interested Party"—a respondent to or a prospective awardee of a contract or
45 agreement pursuant to a request for proposals or bids.

46
47 "Exclusive Rights and Remedies"—The rights and remedies set forth in this
48 article, which rights and remedies are provided so that Interested Parties may
49 address alleged grievances with the City of Myrtle Beach to the exclusion of all
50 other rights and remedies.

1
2 "Protest"—a written objection in connection with any of the items listed in
3 Sec. 2-255 below, filed by an Interested Party to the City of Myrtle Beach, and
4 normally made following the failure to resolve an issue or concern by informal
5 procedures.
6

7 Sec. 2-255. Procedures for Documenting, Hearing and Resolving Disputes and Protests

8 (1) Informal Dispute Resolution

9 An Interested Party who has a concern with a decision made by the Purchasing
10 Agent or the designee, shall inform the Purchasing Agent, or the designee,
11 within five (5) calendar days after the date the City posts a bid tab on the
12 City's website stating its intention to make a Contract Award, or the Contract
13 is Awarded, whichever occurs first, unless the Solicitation Document specified
14 a shorter period of time. The Purchasing Agent or the designee shall discuss
15 the issue(s) with the Interested Party in an attempt to resolve the dispute.
16

17 (2) Formal Protest Procedure

18 An Interested Party who has a dispute that cannot be resolved by informal
19 efforts under Sec. 2-255(1) may file a written protest with the City of Myrtle
20 Beach in connection with any of the following:

21 a. A solicitation or other request by the City of Myrtle Beach for a
22 contract or agreement for the acquisition of materials, supplies, equipment,
23 and services; or
24 b. An award of a contract or agreement for the acquisition of
25 materials, supplies, equipment, and services; or
26 c. A termination or cancellation of the award of a contract or
27 agreement for the acquisition of materials, supplies, equipment, and services if
28 the objection is based, in whole or in part, on the allegation that the award of
29 the contract or agreement was improper. A formal protest may be filed in the
30 following manner:

- 31 1. A Protest must be submitted in writing, filed by an Interested
32 Party, and addressed to the Purchasing Agent or the
33 designee.
 - 34 2. The Protest must be signed by an authorized agent or
35 representative of the Interested Party.
 - 36 3. An administrative fee shall be submitted with the written
37 protest and shall be made in the form of a certified check or
38 money order made payable to the City of Myrtle Beach. The
39 administrative fee will be calculated as follows:
 - 40 a. Five percent (5%) of the Protestor's bid or proposal;
41 or
 - 42 b. In the case where the Protestor did not submit a bid
43 or proposal, five percent (5%) of the lowest
44 responsive and responsible bid or proposal received by
45 the City.
 - 46 c. Administrative fee shall be returned to the Protestor
47 if the Protest is upheld; otherwise the fee is non-
48 refundable.
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- 4. Within five (5) calendar days of discussing the dispute with the Purchasing Agent or the designee, the written protest and administrative fee must be received by the Purchasing Agent or the designee. A Protest received after the time period defined above will not be considered.
- 5. Form of the Formal Protest The written Protest shall include the following:
 - a. the name and address to which certified mail shall be received on behalf of the Protester;
 - b. An appropriate identification of the solicitation, and, if a contract has been awarded, the contract number;
 - c. A complete statement of the reasons for the Protest;
 - d. Exhibits, documents, or other evidence in support of the reasons for the Protest;
 - e. A request for a remedy sought by the Protester;
- 6. Notification to Other Parties - Upon receipt of the Protest, the Purchasing Agent or designee shall promptly notify the following other parties of the filing of the Protest:
 - a. City Attorney, who shall be provided with a copy of the Protest;
 - b. Director of Financial Services;
 - c. All other representatives of city departments associated with the solicitation.

Sec. 256. Stay of the Procurement

- (1) When a Protest has been timely filed before the award of a contract or agreement, the contract or agreement shall not be awarded, unless the Purchasing Agent or the designee, determines that the award of the contract or agreement during the pendency of Protest is necessary to protect substantial interests of the city.
- (2) When a Protest has been timely filed after the award of a contract or agreement, the Purchasing Agent or the designee, shall direct the contractor not to engage in any further performance of the contract or agreement, unless the Purchasing Agent or the designee, determines that performance under the contract or agreement during the pendency of Protest is necessary to protect substantial interests of the City.
- (3) Making Information on Protests Available - The Purchasing Agent or the designee, shall upon written request make available to any other party information submitted that bears on the substance of the Protest, except where information is proprietary, confidential, or otherwise permitted or required to be withheld from disclosure by law or regulation. Persons or other entities that are involved in the Protest that want to keep information submitted by them confidential should request that the information not be disclosed by specifically identifying the confidential information within the documents submitted, and indicating on the front page of each document that it contains confidential information.

1 Sec. 2-257. Post Filing Formal Protest Process

2 (1) Once a Protest has been filed in accordance with the provisions of this article,
3 the Purchasing Agent or the designee may, in the sole discretion of the
4 Purchasing Agent or the designee:

- 5 a. Hold a conference between all parties to the Protest in which
6 resolution options are explored; and/or
- 7 b. Conduct an investigation of the merits of the Protest allegations;
8 and/or

9 (2) Order the parties to the Protest to engage in certain methods of discovery and
10 set limits in terms of discovery scope and time; and/or

- 11 a. Schedule and conduct a Protest hearing; and
- 12 b. Render a decision on the merits of the Protest after engaging in
13 some or none of the previously listed activities.

14
15 Sec. 2-258. Formal Protest Decision

16 (1) A decision on a Protest shall be made by the Purchasing Agent or the designee
17 as expeditiously as possible, but not later than ten (10) work days after
18 receiving the Protest. In determining a Protest, the Purchasing Agent or the
19 designee may determine to:

- 20 a. Terminate the contract or agreement; or
- 21 b. Issue a new solicitation or other request for a contract or
22 agreement; or
- 23 c. Award a contract or agreement.

24 (2) The Protest decision shall be mailed to the Protester by certified mail, return
25 receipt requested.

26 (3) To the extent permitted by law or court rules regarding appeals, an appeal of
27 the decision regarding the protest may be made to a court of competent
28 jurisdiction within the time set forth in the Rules.

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31 Sec. 2-259. - Reserved.

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34 This ordinance shall be effective upon second reading.

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37 BRENDA BETHUNE, MAYOR

38
39 ATTEST:

40
41 JENNIFER STANFORD, INTERIM CITY CLERK

42
43 1ST READING:

44 2ND READING:

45