

Sec. 12.5-38. - Award criteria.

(a)

Purchases pursuant to the bid process shall be awarded to the lowest responsible bidder as determined at the sole discretion of the City Council, or the Purchasing Agent, whomever has authority to approve the contract.

(b)

Purchases pursuant to the competitive proposal process shall be awarded to the vendor with the best and most favorable proposal as determined at the sole discretion of the City Council, or the Purchasing Agent, whomever has authority to approve the contract.

(c)

In determining the lowest responsible bidder or the best and most favorable proposal, the City Council may consider the following, as well as other criteria:

(1)

The ability, capacity and skill of the vendor to perform the proposed contract or provide the service required;

(2)

The capacity of the vendor to perform the contract or provide the service promptly, or within the time specified, without delay or interference;

(3)

The character, integrity, reputation, judgment, experience and efficiency of the vendor including, but not limited to: 1) past performance record; 2) default under previous contracts; 3) whether or not such contracts were with the City; 4) competency; and 5) failure to pay or satisfactorily settle all bills due for labor and material on former contracts;

(4)

The quality of performance by the vendor of previous contracts;

(5)

The previous and existing compliance by the vendor with laws and ordinances relating to the contract;

(6)

The sufficiency of the financial resources and financial ability of the vendor to perform the contract;

(7)

The quality, availability and adaptability of the supplies, machinery, plant or other equipment or contractual services to the particular use required;

(8)

The ability of the vendor to provide future maintenance and service for the use of the subject of the contract, including guarantees;

(9)

Whether the bidder is entitled to local preference as set forth in this article.

(d)

When the award is not recommended to be given to the lowest bidder, a statement of the reasons for such award recommendation shall be prepared by the Purchasing Agent.

(e)

When two (2) or more responsible bidders submit the same low bid, the contract award shall be determined by drawing lots in public at a meeting of the City Council; unless one (1) bidder is a local bidder and one (1) is a non-local bidder, in which event the local bidder shall be awarded the contract.

(C.B. No. 2003-081, § 1, 5-6-03)