

### 329.04 - Definitions.

- (a) Best Bidder. The bidder who, considering all factors set forth in this chapter connected with the contract being bid on is, on the whole, the bidder whom economy dictates will be best for the public.
- (b) Bidder. An individual or business entity which has expressed an interest in obtaining a city contract by responding to an invitation for bids.
- (c) City Agency. Any department of the government of the city of Columbus.
- (d) Contract. Any agreement for the procurement of materials, supplies, equipment, construction, service or professional service made between a city agency and a contractor.
- (e) Construction Contract. Any agreement for the procurement of services, including labor and materials, for the construction, reconstruction and maintenance of public improvements, including but not limited to streets, highways, bridges, sewers, water lines, power lines and plant facilities.
- (f) Contractor. Any individual or business entity which has a contract with a city agency.
- (g) Director. The chief officer of any city agency.
- (h) Electronic Signatures. The receipt of any authorized signature by any photographic, photostatic, or mechanical, computer-generated or digital means.
- (i) Environmentally Preferable Bidder or Offeror. A bidder or offeror whose bid or offer consists of materials, supplies, equipment, construction and/or services which have a lesser or reduced effect on human health and the environment when compared to competing materials, supplies, equipment, construction and services that serve the same purpose. This comparison may consider any aspect of the procurement cycle, including but not limited to raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance or disposal of the material, supply, equipment, construction or service. To be considered an environmentally preferable bidder or offeror, the bidder or offeror must clearly specify in the invitation for bid how their materials, supplies, equipment, construction or services qualify their bid or offer as "environmentally preferable."
- (j) Life Cycle Costs. The cost of operating and maintaining an item or equipment over the duration of its useful life.
- (k) Local Bidder. An individual or business entity: ~~(1) whose principal place of business is located within the corporation limits of the city of Columbus or the county of Franklin for at least one **twelve month period full calendar year** prior to the bid submittal, as registered in official documents filed with the Secretary of State, state of Ohio, or Franklin County recorder's office; or (2) who holds a valid vendor's license which indicates that its place of business is located within the corporation limits of the city of Columbus or county of Franklin.~~
- (l)

Not-for-Profit Contract. An agreement for the delivery of services to the public, which are not currently performed or provided by an existing city agency, for maintaining or improving the health and welfare of the citizens of the city of Columbus, which is made between a city agency and another governmental agency or a not-for-profit organization as recognized by the Internal Revenue Service, the Department of Housing and Urban Development, or any other applicable federal or state agency, which is not in direct competition with a private for-profit organization capable of delivering the same services.

**(m)**

Offeror. An individual or business entity which has expressed an interest in obtaining a city contract by responding to a request for statements of qualifications or request for proposals.

**(n)**

Principal Place of Business The location of a business' corporate headquarters, the primary location of its personnel and tangible assets, or the primary location of its day-to-day operations.

**(o)(n)**

Procurement. The buying, purchasing, renting, leasing or acquisition by any other manner of any materials, supplies, equipment, construction, service or professional service.

**(p)(e)**

Professional Service. A service which usually requires advanced training and/or a significant degree of expertise to perform, and which often requires official certification or authorization by the state as a condition precedent to the rendering of such service. By way of example, professional services include the personal services rendered by architects, attorneys-at-law, certified public accountants, financial consultants, city and regional planners, management consultants and professional engineers.

**(q)(e)**

Responsible Bidder. A bidder who has the capability, capacity, facilities, equipment and personnel needed to fully perform the contract requirements, and the experience, integrity, reliability and credit which will assure good faith performance of the contract requirements and compliance with any minority business enterprise, female business enterprise, and equal business opportunity programs or good faith efforts to comply with such programs adopted by the city of Columbus.

**(r)(e)**

Responsible Wage and Health Insurance Benefit. The wage paid to a bidder's employees for custodial, landscaping, guard and security services, cleaning and recycling services rendered to any city of Columbus government agency shall be equal or better than the wage actually paid to the lowest paid city of Columbus government full-time employee per the city's effective contracts with its bargaining units. In addition to this wage, the bidder shall provide its employees with a health insurance benefit.

**(s)(e)**

Responsive Bidder. A bidder who has submitted a bid which conforms in all material respects to the requirements set forth in an invitation for bids.

**(t)(s)**

Universal Term Contract (UTC). An agreement authorized by ordinance of city council and established by the director of finance and management or designee, for the option to purchase or sell an estimated amount of goods or services at a specified rate or price schedule for a specified time period.

**329.08 - Process for awarding construction service contracts not exceeding twenty thousand dollars (\$20,000.00).**

A city agency may enter into contracts on behalf of the city for the procurement of construction services without complying with the provisions of Section 329.09 so long as total expenditures under any single contract do not exceed twenty thousand dollars (\$20,000.00) within any fiscal year. Unless manifestly impractical, the city agency shall publicly post all specifications for such contracts for a period of not less than twenty-four (24) hours and secure bids from at least three (3) bidders. The city agency shall maintain a record of the cause of manifest impracticality with the record of the procurement. No purchase shall be artificially divided into smaller purchases to avoid the provisions of Section 329.09.

**(1)**

The director authorized to make the expenditure shall award the contract to the lowest responsive and responsible and best bidder.

**(2)**

In determining the lowest responsive and responsible and best bidder, consideration shall be given to:

**(a)**

The bidder's compliance with city taxes on payroll and net profits. Compliance shall be evidenced in an affidavit of no outstanding city income tax obligation;

**(b)**

The bidder's compliance with federal, state or local laws or regulations regarding safety and health, fair labor standards, minimum wage levels, unemployment and worker's compensation.

**(c)**

The bidder's compliance with any affirmative action programs or minority business enterprise, female business enterprise or equal business opportunity programs, which the city is required by law to enforce in connection with funds to be spent under the procurement contract; and the bidder's compliance with any minority business enterprise, female business enterprise or equal business opportunity programs or good faith efforts to comply with such programs adopted by the city.

**(3)**

In determining the best bidder for the purposes of awarding a contract for this section, consideration shall also be given to the following:

**(a)**

Whether the bidder has actively engaged in the construction industry and has experience in the area of construction service for which the bid has been submitted.

**(b)**

Whether the bidder has a record for complying with and meeting completion deadlines and successfully controlling costs bid on similar

construction projects. This consideration includes a review of the bidder's recent experience record in the construction industry such as the original contract price for each construction job undertaken by the bidder, the amount of any change orders for the job or cost overruns on each job undertaken by the bidder, and the reason for the change orders or cost overruns.

**(c)**

Whether the bidder has a record of claims against performance bonds secured on public improvement construction projects by the bidder and an explanation of the reason for claims.

**(d)**

Whether the bidder draws its employees mainly from Columbus, Franklin County or counties contiguous to Franklin County.

**(e)**

Whether the bidder's employees are experienced in the area of construction service for which the bid was submitted.

**(f)**

Whether the bidder's employees participate in a bona fide apprenticeship program that is approved by the Ohio State Apprenticeship Council and the United States Department of Labor if such apprenticeship programs are available.

**(g)**

Whether the bidder provides employee health insurance and a retirement or pension plan; however, a bidder may be exempted from this provision for no more than two (2) successive contracts.

**(4)**

In determining the lowest bid for purposes of awarding a contract under this section, a local bidder, as defined in Section 329.04(k), located within the corporate limits of the City of Columbus, shall receive credit equal to five (5) percent of the lowest bid submitted by a non-local bidder, where bids do not exceed twenty thousand dollars (\$20,000.00).

**(5)**

In determining the lowest bid for purposes of awarding a contract under this section, a local bidder, as defined in Section 329.04(k), located within the corporate boundaries of the County of Franklin, but excluding all areas within the corporate limits of the City of Columbus, shall receive credit equal to two and one-half (2.5) percent of the lowest bid submitted by a non-local bidder, where bids do not exceed twenty thousand dollars (\$20,000.00).

**~~(6)~~(5)**

The finance and management director or designee, in consultation with the directors of city agencies authorized to enter into contracts for construction services, administer contract review and compliance, or perform any other function referred to in this section, shall prescribe the manner and form of submittals for the purpose of evaluating the considerations herein. The submittal requirements and considerations herein shall apply equally to the bidder and any subcontractor of the bidder. The bid specifications shall contain the prescribed form.

**~~(7)~~(6)**

The city agency shall maintain in the contract file a record of this evaluation for the purposes of determining the lowest responsive, responsible and best bidder awarded the contract.

**(8)(7)**

All contractors entering into a contract with the city shall submit a contract compliance certification number or a completed application for certification pursuant to provisions set forth in Title 39, Columbus City Codes, 1959.

**329.09 - Process for awarding construction service contracts exceeding twenty thousand dollars (\$20,000.00).**

The procurement of construction service contracts anticipated to cost in excess of twenty thousand dollars (\$20,000.00) shall be conducted under this section as follows:

**(1)**

The city agency shall prepare an invitation for bids (hereinafter "IFB") containing the specifications and all contractual terms and conditions applicable to the procurement.

**(2)**

The city agency shall give notice that bids will be received by advertisement in the Columbus City Bulletin at least one (1) week prior to the deadline for submission of bids. The city agency may also advertise in newspapers, professional and trade journals, and any other appropriate publications. The notice shall state the place, date and time of bid opening.

**(3)**

Each bid shall contain the full name of every person or company interested in the same and such other relevant information as the city agency deems appropriate.

**(4)**

The bids shall be opened and publicly read at the place, date and time specified in the advertisement, which in no case shall be less than seven (7) days after initial advertisement. The bids shall be opened in the presence of the city auditor or a representative of the city auditor.

**(5)**

The director authorized to make the expenditure shall award the contract to the lowest responsive and responsible and best bidder.

**(6)**

The director shall provide city council with a written explanation of the circumstances whenever a contract is awarded to any bidder other than the lowest.

**(7)**

In determining the lowest responsive and responsible and best bidder, consideration shall be given to:

**(a)**

The bidder's compliance with city taxes on payroll and net profits. Compliance shall be evidenced in an affidavit of no outstanding city income tax obligation.

**(b)**

The bidder's compliance with federal, state or local laws or regulations regarding safety and health, fair labor standards, minimum wage levels; unemployment and worker's compensation.

**(c)**

The bidder's compliance with any affirmative action programs or minority business enterprise, female business enterprise or equal business opportunity programs which the city is required by law to enforce in connection with funds to be spent under the procurement contract; and the bidder's compliance with any minority business enterprise, female business enterprise or equal business opportunity programs or good faith efforts to comply with such programs adopted by the city.

**(8)**

In determining the best bidder for the purposes of awarding a contract for this section, consideration shall also be given to the following:

**(a)**

Whether the bidder has actively engaged in the construction industry and has experience in the area of construction service for which the bid has been submitted;

**(b)**

Whether the bidder has a record for complying with and meeting completion deadlines and successfully controlling costs bid on similar construction projects. This consideration includes a review of the bidder's recent experience record in the construction industry such as the original contract price for each construction job undertaken by the bidder, the amount of any change orders for the job or cost overruns on each job undertaken by the bidder, and the reason for the change orders or cost overruns;

**(c)**

Whether the bidder has a record of claims against performance bonds secured on public improvement construction projects by the bidder and an explanation of the reason for claims;

**(d)**

Whether the bidder draws its employees mainly from Columbus, Franklin County or counties contiguous to Franklin County;

**(e)**

Whether the bidder's employees are experienced in the area of construction service for which the bid was submitted;

**(f)**

Whether the bidder's employees participate in a bona fide apprenticeship program that is approved by the Ohio State Apprenticeship Council and the United States Department of Labor if such apprenticeship programs are available; and

**(g)**

Whether the bidder provides employee health insurance and a retirement or pension plan.

**(9)**

In determining the lowest bid for purposes of awarding a contract under this section, a local bidder, as defined in Section 329.04(k), located within the corporate limits of the City of Columbus, shall receive credit equal to one (1) percent of the lowest bid submitted by a non-local bidder, not to exceed \$50,000. ~~where bids exceed twenty thousand dollars (\$20,000.00).~~

**(10)**

In determining the lowest bid for purposes of awarding a contract under this section, a local bidder, as defined in Section 329.04(k), located within the corporate boundaries of the County of Franklin, but excluding all areas within the corporate limits of the City of Columbus, shall receive credit equal to one-half (.5) percent of the lowest bid submitted by a non-local bidder, not to exceed \$25,000.

**(11)(10)**

The finance and management director or designee, in consultation with the directors of city agencies authorized to enter into contracts for construction services, administer contract review and compliance, or perform any other function referred to in this section, shall prescribe the manner and form of submittals for the purpose of evaluating the considerations herein. The submittal requirements and considerations herein shall apply equally to the bidder and any subcontractor of the bidder. The bid specifications shall contain the prescribed form.

**(12)(11)**

The city agency shall maintain in the contract file, a record of this evaluation for the purposes of determining the lowest responsive, responsible and best bidder awarded the contract.

**(13)(12)**

All contractors entering into a contract with the city shall submit a contract compliance certification number or a completed application for certification pursuant to provisions set forth in Title 39, Columbus City Codes, 1959.

**(14)(13)**

No contract awarded under this section shall be effective until approved by ordinance of city council.