
329.18 Competitive sealed bidding.

- (a) The establishment of universal term contracts and/or the procurement of all materials, supplies and equipment shall be conducted under this section as follows:
- (1) The director of finance and management or designee shall prepare an invitation for bids (hereinafter "IFB") containing the specifications, any requirements established under Section 3903.10, and all contractual terms and conditions applicable to the procurement.
 - (2) The director of finance and management or designee 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, and must be posted through an electronic agent approved by the finance and management director at least twenty-one (21) calendar days prior to the deadline for submission of bids. If exigent circumstances warrant, the finance and management director may direct a shorter time period for the advertisement. The director of finance and management or designee 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 director of finance and management or designee deems appropriate.
 - (4) Bids may be submitted in either traditional hardcopy format or through an electronic agent as determined by the city agency and stated in the specifications. Any electronic agent used to receive bids must be approved prior to use by the finance and management director or designee, in consultation with the technology director or designee.
 - (5) The city shall open bids publicly in the presence of one or more witnesses, one of whom must be another city employee, at the time and place, designated in the invitation for bids. The city shall record the name of each bidder, the amount of each bid and such other relevant information as the finance and management director or designee deems appropriate. The record and each bid shall be open to public inspection. If bids are opened through an electronic agent approved by the finance and management director or designee, the city shall immediately publicly provide through the same electronic agent the required information. If bids are opened through an electronic agent approved by the finance and management director or designee, the requirement of a public opening in the presence of outside witnesses is not applicable.
 - (6) After consulting with the city agency, the director of finance and management or designee shall award the contract to the lowest, responsive, responsible, and best bidder. Life cycle costs may be considered in determining the lowest bid if they are objectively measurable and specified in the IFB.
 - (7) The director of finance and management or designee shall provide city council with a written explanation of the circumstances whenever a contract is awarded to any bidder other than the lowest, or to any bidder not recommended by the city agency.
 - (8) In determining the responsibility of a bidder, consideration shall be given to bidder's record of unsatisfactory judgments, as defined in Section 329.01, with any applicable federal, state or local laws or regulations; affirmative action or diversity and inclusion programs which the city is required by law to enforce in connection with funds to be spent under the procurement contract; whether the bidder is a local bidder; and the bidder's compliance with any minority business enterprise, women business enterprise or equal business opportunity programs or good faith efforts to comply with such programs adopted by the city.
 - (9) All successful bidders entering into a contract with the city, and their listed subcontractors, shall have a current and valid contract compliance certification number, pursuant to provisions set forth in Title 39.
 - (10) The finance and management director or designee shall prescribe the manner and form of submittals for the purpose of evaluating the considerations herein. Prior to prescribing said manner and form of

submittals, the finance and management director shall consult with the directors of city agencies responsible for performing any contract-related function referred to in this section. The contracting city agency must include the prescribed submittal forms in the bid specifications.

- (11) The city agency shall maintain in the contract file a record of the bid evaluation for the purposes of determining the lowest, responsive, responsible, and best bidder awarded the contract.
 - (12) No contract greater than \$50,000.00 awarded under this section shall be effective until approved by ordinance of city council.
- (b) The procurement of all service contracts except construction shall be conducted under this section as follows:
- (1) The city agency shall prepare an invitation for bids (hereinafter "IFB") containing the specifications, any requirements established under Section 3903.10, and all contractual terms and conditions applicable to the procurement. The city agency may prepare a bid for a definite quantity service contract or an indefinite quantity service contract.
 - (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, and must be posted through an electronic agent approved by the finance and management director at least twenty-one (21) calendar days prior to the deadline for submission of bids. If exigent circumstances warrant, the finance and management director may direct a shorter time period for the advertisement. 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) Bids may be submitted in either traditional hardcopy format or through an electronic agent as determined by the city agency and stated in the specifications. Any electronic agent used to receive bids must be approved prior to use by the finance and management director or designee, in consultation with the technology director or designee.
 - (5) The city shall open bids publicly in the presence of one or more witnesses, one of whom must be another city employee, at the time and place, designated in the invitation for bids. The city shall record the name of each bidder, the amount of each bid and such other relevant information as the finance and management director or designee deems appropriate. The record and each bid shall be open to public inspection. If bids are opened through an electronic agent approved by the finance and management director or designee, the city shall immediately publicly provide through the same electronic agent the required information. If bids are opened through an electronic agent approved by the finance and management director or designee, the requirement of a public opening in the presence of outside witnesses is not applicable.
 - (6) The director authorized to make the expenditure shall award the contract to the lowest, responsive, responsible, and best bidder. Life cycle costs may be considered in determining the lowest bid if they are objectively measurable and specified in the IFB.
 - (7) 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.
 - (8) In determining the responsibility of a bidder, for purposes of this section only, to be considered responsible, a bidder must demonstrate that the bidder will pay a responsible wage and provide a health insurance benefit, as defined in Section 329.01, to all employees proposed to directly perform the work specified in the city bid solicitation response. Additionally, consideration shall be given to the following:
 - (a) Bidder's record of unsatisfactory judgments, as defined in Section 329.01, with any applicable federal, state or local laws or regulations; affirmative action or diversity and inclusion programs

which the city is required by law to enforce in connection with funds to be spent under the procurement contract; whether the bidder is a local bidder; and the bidder's compliance with any minority business enterprise program, women business enterprise program or good faith efforts to comply with such programs adopted by the city; and

- (b) Whether the bidder employs a local workforce, as defined in Section 329.01.
 - (9) All successful bidders entering into a contract with the city, and their listed subcontractors, shall have a current and valid contract compliance certification number, pursuant to provisions set forth in Title 39.
 - (10) The finance and management director or designee shall prescribe the manner and form of submittals for the purpose of evaluating the considerations herein. Prior to prescribing said manner and form of submittals, the finance and management director shall consult with the directors of city agencies responsible for performing any contract-related function referred to in this section. The contracting city agency must include the prescribed submittal forms in the bid specifications.
 - (11) The finance and management director or designee shall annually determine and provide to city agencies the responsible wage, as defined in Section 329.01. The responsible wage shall be communicated to all city departments and shall be posted on the City website for access by the public and by businesses, including bidders. This notification shall take place by July 31 of each year.
 - (a) The notification shall state that the determined responsible wage will apply to all contracts executed, modified and/or renewed starting on January 1 of the upcoming calendar year.
 - (b) July 1 of each year shall be the date that forms the basis of the responsible wage determination for the upcoming calendar year.
 - (12) The contracting agencies of the City are directed to include in all contracts regulated by division (b) of this section, a summary of: the definition of responsible wage found in section 329.01, the requirements found in division (b)(8), and the current responsible wage as determined in accordance with division (b)(11).
 - ~~(12)~~ (13) The city agency shall maintain in the contract file a record of the bid evaluation for the purposes of determining the lowest, responsive, responsible, and best bidder awarded the contract.
 - ~~(13)~~ (14) No contract greater than \$50,000.00 awarded under this section shall be effective until approved by ordinance of city council. A city agency may place periodic orders from an indefinite quantity service contract authorized in subsection (1), so long as total expenditures do not exceed fifty thousand dollars (\$50,000) in any fiscal year from the specified indefinite quantity service contract. A city agency may place periodic orders from an indefinite quantity services contract authorized in subsection (1), in an amount exceeding fifty thousand dollars (\$50,000), only if the contract is approved by ordinance of city council.
- (c) Multiple-source contracting/Universal Term Contract
- (1) General. A multiple-source award is an award of an indefinite quantity contract for one or more similar supplies or services to more than one bidder or offeror.
 - (2) Limitations on use. A multiple-source award may be made when awards to two or more bidders or offerors for similar products are necessary for adequate delivery, service or product compatibility. Any multiple-source award shall be made in accordance with provisions of section 329.18.
 - (3) Contract and solicitation provisions. The city shall name all eligible users of the contract in the solicitation except that the city may add additional users to the contract upon approval of the contractor, where the needs are as described in the solicitation and doing so is in the best interests of the city. The city shall obtain the actual requirements of such users in accordance with the contract provided that:
 - (a) The city reserves the right to take bids separately if a particular quantity requirement arises which exceeds its normal requirement or an amount specified in the contract; and

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- (b) The city reserves the right to take bids separately if the finance and management director or designee approves a finding that the supply or service available under the contract will not meet a nonrecurring special need of the city.
 - (4) Intent to use. If a multiple-source award is anticipated prior to issuing a solicitation, the intent must be stated in the solicitation by informing potential bidders that the city shall reserve the right to make such an award and the criteria for award shall be stated in the solicitation.
 - (d) Best value competitive sealed proposals.
 - (1) Conditions for use. The city may award contracts estimated to cost in excess of \$50,000.00 by competitive sealed proposals. The requirements of 329.18(b)(8), (9), and (12) ~~(c)(8) and (9)~~ shall be applicable for best value competitive sealed proposals utilized for custodial, landscaping, guard and security service, cleaning and recycling service contracts conducted under this section. This procurement method may only be used by the purchasing office with the express permission of the finance and management director. This authority cannot be delegated. This method may be used by the purchasing office for purchases on behalf of other city agencies.
 - (2) Invitation for proposals. An invitation for proposals shall be issued and shall contain the specifications, any requirements established under Section 3903.10, and all contractual terms, and conditions applicable to the procurement. The relative importance of price and the other evaluation factors must be clearly identified in the request for proposals.
 - (3) Other evaluation factors that may be included in the city's invitation for proposals. In determining which proposal offers the best value for the city, the city shall when applicable, consider factors including:
 - (a) any relevant criteria specifically listed in the request for proposals;
 - (b) overall life of the system or equipment;
 - (c) cost of acquisition, operation, and maintenance of hardware or software included with, associated with, or required for the system or equipment during the city's ownership or lease;
 - (d) estimated cost of other supplies needed because of the acquisition;
 - (e) estimated cost of employee training needed because of the acquisition;
 - (f) estimated cost of necessary additional permanent employees because of the acquisition;
 - (g) purchase price;
 - (h) quality of the offeror's goods or services;
 - (i) extent to which the goods or services meet the city's needs;
 - (j) total long-term cost to the city to acquire the offeror's goods or services;
 - (k) installation costs.
 - (4) Public notice. The city shall give adequate public notice of invitations for proposals of not less than twenty-one (21) calendar days prior to the date set forth therein for the opening of proposals, unless exigent circumstances require a shorter period, as determined by the finance and management director or designee. Such notice may include the use of an electronic solicitation system. The public notice shall state the place, date and time of bid opening.
 - (5) Proposal opening. The city shall open proposals publicly in the presence of one or more witnesses, one of whom must be another city employee, at the time and place designated in the invitation for bids. The city shall record the name of each proposer and such other relevant information as the finance and management director or designee deems appropriate. Once a contract is awarded, the record and each proposal shall be open to public inspection in accordance with section 329.05 of this chapter. If proposals are opened through a secure electronic agent approved by the finance and management

director or designee, the requirement of a public opening in the presence of outside witnesses is not applicable.

- (6) Late Proposals. The city shall not open proposals it receives after the due date and time and shall reject such proposals as late.
- (7) The finance and management director or designee shall appoint an evaluation committee (hereinafter "committee") to evaluate proposals received. The committee shall consist of an odd number of members, no less than three (3), selected from the funding city agency, other city agencies, or both. The committee may also include non-city employees so long as neither they, nor any member of their families, nor any of their business associates have an interest in the contract being awarded. An employee of the purchasing office as assigned by the finance and management director or designee shall serve as a non-scoring chair of the committee, not to be counted as a member of the committee. The non-scoring chair will facilitate the evaluation process.
- (8) The committee shall evaluate all offerors and proposals received and rank the offerors based upon the evaluation criteria specified in the invitation for proposals. The committee may select two (2) or more of the highest qualified offerors with which to hold additional discussions. Offerors not selected for further discussions may be excluded from further consideration for the contract upon notification by the committee chair.

The discussions identified in this subsection may include, but are not limited to, presentations by the offerors to the committee to elaborate upon their qualifications, proposals, and/or other pertinent information. The committee may permit revisions of proposals so long as all offerors who are selected for additional discussions are given equal opportunity to revise their proposals.

- (9) Based upon the content of the proposals received including any revisions thereto, and upon any additional discussions with the offerors the committee shall rank the remaining offerors based upon the evaluation criteria specified in the invitation for proposals.
- (10) The committee chair shall submit the committee's ranking of the offerors along with a written explanation to the finance and management director or designee. The ranking and written explanation shall become part of the contract file.
- (11) The finance and management director or designee shall have discretion consistent with appropriate departmental and/or citywide administrative rules in selecting the offeror with which to enter into contract negotiations. The finance and management director or designee shall enter into contract negotiations with the selected offeror to determine the terms and conditions of the contract, including compensation to be paid by the city. If negotiations fail, negotiations with this offeror shall be terminated, and the finance and management director or designee may enter into contract negotiations with another offeror as selected by the director. This process may continue until a contract is successfully negotiated.
- (12) After successfully negotiating a contract, the finance and management director or designee shall submit legislation to city council requesting approval of the contract. In its request for approval, the finance and management director or designee shall explain the basis for the selection of the chosen contractor. No contract awarded under this section shall be effective until approved by ordinance of city council.