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Chapter 329 - PROCUREMENT OF GOODS AND SERVICES—SALE OF CITY PROPERTY

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329.01 - Purpose.

The purpose of this chapter is to establish a purchasing and procurement system of quality and integrity that will maximize the purchasing value of public funds and provide fair and equitable treatment to all persons involved in public purchasing.

(Ord. 1426-88; Ord. 81-02 § 1 (part).)

329.02 - Application.

This chapter applies to any purchase of materials, supplies, equipment, construction, service and/or professional service by a city agency and the sale of any city property, whether real or personal. It shall apply to every expenditure of public funds by a city agency for purchasing irrespective of the source of the funds. When the procurement involves the expenditure of federal and/or state assistance or contract funds, the procurement shall be conducted in accordance with all applicable federal and/or state laws and regulations. Nothing in this chapter shall prevent any city agency from complying with the terms and conditions of any grant, gift or bequest that is otherwise consistent with law.

(Ord. 1426-88; Ord. 81-02 § 1 (part).)

329.03 - Operational procedures.

The director of finance and management or designee shall adopt procedures and policies relating to the procurement process consistent with the provisions of this chapter. These procedures and policies shall be set forth in a written document which shall be available to the public and distributed to city agencies. The director of finance and management or designee shall develop and include in this document provisions regulating reimbursement of expenses incurred by contractors in performing city contracts for such items as follows: office space, office equipment, vehicles, hotels and other housing, relocation of contractor employees, meals, transportation, entertainment and personal expenses.

(Ord. 23-96; Ord. 81-02 § 1 (part); Ord. 1102-05 § 1 (part).)

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 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)(f)

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)(e)

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.

(Ord. 678-96; Ord. 1576-00 § 1 (part); Ord. 1604-01 § 1 ; Ord. 81-02 § 1 (part); Ord. 1908-03 § 1 (part); Ord. 1102-05 § 1 (part); Ord. 1947-05 § 1 (part); Ord. 233-06 § 1 (part).)

329.05 - Competitive sealed bidding the required procurement method.

The procurement of all materials, supplies, equipment, construction, service and professional service shall be conducted in accordance with the provisions of Section 329.06 unless otherwise provided in Sections 329.07, 329.08, 329.09, 329.10, 329.11, 329.12, 329.13, 329.14, 329.15, 329.26 or 329.31.

(Ord. 1426-88; Ord. 81-02 § 1 (part); Ord. 233-06 § 1 (part).)

329.06 - 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 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. 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)

The bids shall be opened and publicly read by the director of finance management or designee 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)

After consulting with the city agency, the director of finance and management or designee shall award the contract to the lowest responsive and 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.

(6)

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.

(7)

In determining the lowest responsive and responsible and best bidder, consideration shall be given to bidder's compliance with federal, state or local laws or regulations such as fair labor standards, minimum wage levels; 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 lowest bid for purposes of awarding a contract under this section, a local bidder shall receive a credit equal to one (1) percent of the lowest bid submitted by a non local bidder or twenty thousand dollars (\$20,000.00), whichever is less.

(9) All contractors submitting a bid to or 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.

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

(b)

The procurement of all service contracts except construction, custodial, landscaping, guard and security services, cleaning and recycling services, and professional services 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. Life cycle costs may be considered in determining the lowest bid if they are objectively measurable and specified in the IFB.

(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 bidder's compliance with federal, state or local laws or regulations such as fair labor standards, minimum wage levels; affirmative action programs; or minority business

enterprise, female business enterprise or equal business opportunity programs which the city of Columbus 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 lowest bid for purposes of awarding a contract under this section, a local bidder shall receive a credit equal to one (1) percent of the lowest bid submitted by a non local bidder or twenty thousand dollars (\$20,000.00), whichever is less.

(9)

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.

(10)

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

(c)

The procurement of all custodial, landscaping, guard and security service, cleaning and recycling service contracts 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 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. Life cycle costs may be considered in determining the lowest bid if they are objectively measurable and specified in the IFB.

(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 draws its employees mainly from Columbus, Franklin County or counties contiguous to Franklin County.

(b)

That the bidder shall pay a responsible wage and provides its employees a health insurance benefit as defined in Section [329.04](#) to the employees proposed to directly perform the work specified in the city bid solicitation.

(c)

For the purpose of this subsection (8) only, exemption from these considerations is provided for bidders that employ twenty five (25) or fewer full-time people. For the purpose of this subsection (8) only, exemption from these considerations is provided for bidders where the city solicits the bids for these services in accordance with Section [329.07](#) (d) procurement of materials supplies, equipment, and services other than construction and professional services not exceeding twenty thousand dollars (\$20,000.00).

(9)

In determining the lowest bid for purposes of awarding a contract under this section, a local bidder, as defined in Section [329.04\(k\)](#), shall receive credit equal to one (1) percent of the lowest bid submitted by a non-local bidder or twenty thousand dollars (\$20,000.00), whichever is less.

(10)

The finance and management director or designee, in consultation with the directors of city agencies authorized to enter into contracts 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. The finance and management director or designee shall annually provide to city agencies the value of the responsible wage.

(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.

(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.

(13)

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

(Ord. 23-96; Ord. 1576-00 § 1 (part); Ord. 81-02 § 1 (part); Ord. 1908-03 § 1 (part); Ord. 223-06 § 1 (part).)

329.07 - Exceptions to competitive sealed bidding.

(a)

Procurement of Commodities with Fixed Prices. City agencies shall have general authority to purchase items for which fixed prices prevail, such as utility services, memberships, subscriptions, professional organization certifications, and postage stamps, without complying with the provisions of Section 329.06 or any other procurement procedure specified in this chapter.

(b)

Petty Cash Fund Purchases. The director of any city agency in which a petty cash fund has been established may authorize expenditures for individual purchases not in excess of five hundred dollars (\$500.00). No expenditures shall be made from petty cash funds for items available in the purchasing office storerooms, copy and print shop, or universal term contract. No purchase shall be artificially divided into smaller purchases to avoid the provisions of competitive bidding in this chapter.

(c)

Procurement Not Exceeding One Thousand Dollars (\$1,000.00).

(1)

A city agency may enter into contract on behalf of the city without complying with the provisions of Section 329.06 and 329.07(d) when the total expenditure under any single contract do not exceed one thousand dollars (\$1,000.00) within any fiscal year. In awarding a contract under this section the city agency shall, where appropriate, undertake reasonable measures to provide for competition among potential contractors. No purchase shall be artificially divided to avoid the provisions of Section 329.06 or 329.07(d).

(d)

Procurement of Materials, Supplies, Equipment, and Services Other Than Construction and Professional Services not Exceeding Twenty Thousand Dollars (\$20,000.00).

(1)

The director of finance and management or designee may enter into contracts on behalf of the city for the procurement of materials, supplies, equipment and services, other than construction and professional services, without complying with the provisions of Section [329.06](#) so long as total expenditures under any single contract do not exceed twenty thousand dollars (\$20,000.00) within any fiscal year. However, expenditures of bond funds are subject to Ohio R.C. 5705.41. Unless manifestly impractical, the finance and management director or designee 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 finance and management director or designee 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 [329.06](#)

(2)

A city agency may enter into contracts on behalf of the city for service contracts, other than construction and professional services, without complying with the provisions of Section [329.06](#) 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 [329.06](#)

(3)

In determining the lowest bid for purposes of awarding a contract under this section, a local bidder (as defined in Section [329.04\(k\)](#)), 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).

(e)

Sole Source Procurement.

(1)

A city agency may award a contract without complying with the provisions of Section [329.06](#) when, after conducting reasonable investigation, the director of finance and management or designee and city agency determine that only one (1) individual or business entity is capable of supplying the required materials, supplies, equipment or services. After negotiating a contract with the contractor, the city agency shall submit legislation to city council requesting approval of the contract. In its submission to city council, the city agency shall explain or describe in writing: (1) why no other individual or business entity is capable of supplying the needed materials, supplies, equipment or services; (2) what efforts were undertaken to obtain other bidders or offerors; and (3) how the price or fee structure

for the contract was determined. This explanation shall become part of the contract file.

(2)

Any city agency awarding a contract under this section shall submit a record of the contract to the director of finance and management or designee in a format specified by the director of finance and management or designee. The director of finance and management or designee shall maintain a public record of all contracts awarded under this subsection, including those contracts awarded by the director of finance and management or designee. For each contract, the record shall clearly state the city agency involved, the contract identification number, the contractor's identity and the amount of the contract. The record shall also describe the materials, supplies, equipment and/or service procured under the contract.

(3)

As appropriate, this procurement method may be used by the director of finance and management or designee to establish a universal term contract (UTC).

(f)

Not-for-Profit Service Contracts Exceeding Twenty Thousand Dollars (\$20,000.00).

(1)

Not-for-profit service contracts as defined in Section [329.04\(l\)](#) which exceed twenty thousand dollars (\$20,000.00) shall be awarded by the processes specified in Section [329.15](#)

(g)

Procurement from a Universal Term Contract not Exceeding One Hundred Thousand Dollars (\$100,000.00).

(1)

The director of finance and management or designee may, on behalf of a city agency, establish an order for goods or services without complying with the provisions of Section [329.06](#), where there exists a universal term contract for that good or service, so long as total expenditures do not exceed one hundred thousand dollars (\$100,000.00) in any fiscal year for that agency from the specified universal term contract.

(h)

Procurement from Universal Term Contract Exceeding One Hundred Thousand Dollars (\$100,000.00).

(1)

The director of finance and management or designee may, on behalf of a city agency, establish an order for goods or services without complying with the provisions of Section [329.06](#) where there exists a universal term contract for that good or service and total expenditures in any fiscal year for that agency from the specific universal term contract will or do exceed one hundred thousand dollars (\$100,000.00), only if the procurement is approved by ordinance of city council.

(i)

The procurement of construction services shall be in accordance with the provisions of Sections [329.08](#) and [329.09](#)

(j)

The procurement of professional services shall be in accordance with the provisions of Sections 329.10, 329.11, 329.12, 329.13 and 329.14

(Ord. 1349-96; Ord. 1576-00 § 1 (part); Ord. 1966-00 § 1 ; Ord. 81-02 § 1 (part); Ord. 1102-05 § 1 (part); Ord. 223-06 § 1 (part); Ord. 1132-2008 Attach. (part).)

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.

(Ord. 81-02 § 1 (part); Ord. 1102-05 § 1 (part); Ord. 223-06 § 1 (part).)

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.

(Ord. 81-02 § 1 (part); Ord. 1102-05 § 1 (part); Ord. 223-06 § 1 (part).)

329.10 - Process for awarding professional 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 professional services so long as total expenditures under any single contract do not exceed twenty thousand dollars (\$20,000.00). In awarding a contract under this section, the city agency shall, where appropriate, undertake reasonable measures to provide for competition among potential contractors. No purchase shall be artificially divided into smaller purchases to avoid the provisions of Section 329.11.

(Ord. 717-91; Ord. 1576-00 § 1 (part); Ord. 81-02 § 1 (part).)

329.11 - Process for awarding professional service contracts exceeding twenty thousand dollars (\$20,000.00), but not exceeding fifty thousand dollars (\$50,000.00).

A city agency may award a professional service contract expected to cost over twenty thousand dollars (\$20,000.00), but not exceeding fifty thousand dollars (\$50,000.00) by any process chosen by the city agency so long as such process is designed to provide for competition among potential contractors and objectivity in the selection of a contractor. In awarding a contract under this section, the city agency may utilize the processes specified in Section 329.13, Section 329.14, a modified version of either Section 329.13, Section 329.14, or some other process. If either Section 329.13, or Section 329.14 is used to award a contract under this section, the city agency need not comply with the city council notification requirements included in Sections 329.13(a) and 329.14(a).

After selecting a contractor and agreeing upon the terms of a contract, the city agency shall submit legislation to city council requesting approval of the contract. In its request for approval, the city agency shall submit a written statement which: (1) identifies the potential contractors who were contacted with regard to the required service; (2) describes in detail the process through which the contract was awarded; (3) explains the basis for the selection of the chosen contractor; and (4) states how the cost of or the pricing structure for the contract was determined. No contract awarded under this section shall be effective until approved by ordinance of city council. No purchase shall be artificially divided into smaller purchases to avoid the provisions of Section 329.12.

(Ord. 717-91; Ord. 1576-00 § 1 (part); Ord. 81-02 § 1 (part).)

329.12 - Processes for awarding professional service contracts exceeding fifty thousand dollars (\$50,000.00).

(a)

Any professional service contract which the city agency expects to cost in excess of fifty thousand dollars (\$50,000.00) must be awarded either through the process specified in Section 329.13 or the process specified in Section 329.14. The choice between the two (2) processes is within the discretion of the city agency.

(Ord. 1426-88; Ord. 1576-00 § 1 (part).)

(b)

In using Section 329.13 or 329.14, the director of a city agency may, at their discretion, promulgate rules and regulations to allow for a "prequalification process." The purpose of a prequalification process is to allow an agency to accept statements of qualification from offerors on an annual or biennial basis.

(Ord. 1604-01 § 2 (part); Ord. 81-02 § 1 (part).)

329.13 - Awarding professional service contracts through requests for statements of qualifications.

Professional service contracts shall be awarded under this section as follows:

(a)

Prior to initiating the selection process, the city agency shall send a written notice to city council which: (1) states that the city agency anticipates awarding a professional service contract expected to cost in excess of fifty thousand dollars

(\$50,000.00); and (2) describes the project for which the service is needed.

In this notice, the city agency shall also explain or state: (1) why the needed professional service(s) cannot be provided by existing city employees; (2) the frequency with which such services have been needed in the past and the anticipated need for such services in the future; and (3) whether it would be cost effective for the city to hire city employees to provide the required service in the future.

(b)

The city agency shall prepare a request for statements of qualifications (hereinafter "RFSQ"). The RFSQ shall include: (1) a general description of the project; (2) a statement of the city agency's needs and requirements; (3) a list of criteria by which offerors will be evaluated; (4) notice of any offeror's meeting or conference that will be held; and (5) where the city agency intends to evaluate offers using the environmentally preferable factor, the RFSQ shall so indicate that intention.

The evaluation criteria for any contract awarded under this section shall include, but need not be limited to, the following: (1) the competence of the offeror to perform the required service as indicated by the technical training, education and experience of the offeror's personnel who would be assigned to perform the work; (2) the ability of the offeror to perform the required service competently and expeditiously as indicated by the offeror's workload and the availability of necessary personnel, equipment and facilities; (3) past performance of the offeror as reflected by the evaluations of the city agency, other city agencies and other previous clients of the offeror with respect to such factors as quality of work, success in controlling costs, and success in meeting deadlines; and (4) an environmentally preferable factor except when there is not an environmentally preferable manner in which to carry out the purpose of the contract.

(c)

The city agency shall give notice of the RFSQ by advertisement in the Columbus City Bulletin. Such advertisement shall be published at least one (1) week prior to the deadline by which offerors must submit statements of qualifications (hereinafter "SOQ"). The city agency may also advertise in newspapers, professional and trade publications, and other appropriate publications. The city agency may also contact potential offerors directly.

(d)

The city agency shall form an evaluation committee (hereinafter "committee") to evaluate SOQs received. The committee shall consist of an odd number of members, no less than three (3), selected from the city agency, other city agencies or both. The committee may also include noncity 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. Unless manifestly impractical, at least one (1) member of the selection committee shall hold the same professional license or certification required by the offerors. The agency may elect to utilize two (2) separate committees, one (1) for section (e) below, and one (1) for sections (f), (g) , and (h) below.

- (e)** The committee shall evaluate all SOQs received based upon the evaluation criteria specified in the RFSQ. On the basis of these evaluations, the committee shall select three (3) or more of the highest qualified offerors for further consideration. If the committee received less than three (3) SOQs, or determines that fewer than three (3) offerors are qualified to perform the required service, then the committee may select less than three (3) offerors for further consideration, or cancel the selection process.
- (f)** The committee shall request technical proposals from each of the offerors selected for further consideration. The committee may also request that all offerors selected for further consideration make a presentation to the committee to elaborate upon their technical proposals, statements of qualifications, and/or any other pertinent information. The committee may permit revision of proposals so long as all offerors who have been selected for further consideration are given equal opportunity to revise their proposals.
- (g)** The committee shall rank all remaining offerors based upon the quality and feasibility of their proposals and any revisions thereto.
- (h)** The committee shall submit its ranking of the offerors, along with a written explanation of the basis for the ranking, to the director of the city agency. The ranking and written explanation shall become part of the contract file.
- (i)** The director of the city agency shall have discretion consistent with appropriate departmental and/or citywide administrative rules in selecting the offeror with which to enter into contract negotiations. The city agency 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 city agency shall enter into contract negotiations with another offeror as selected by the director. This process shall continue until a contract is successfully negotiated. If the city agency is unable to successfully negotiate a contract with any of the contractors, it may cancel the selection process.
- (j)** After successfully negotiating a contract, the city agency shall submit legislation to city council requesting approval of the contract. In its request for approval, the city agency shall identify the contractors who were selected for further consideration under subsection (e), and 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.

(Ord. 1426-88; Ord. 1604-01 § 2 (part); Ord. 81-02 § 1 (part); Ord. 223-06 § 1 (part).)

329.14 - Awarding professional service contracts through requests for proposals.

Professional service contracts shall be awarded under this section as follows:

(a)

Prior to initiating the selection process, the city agency shall send a written notice to city council which: (1) states that the city agency anticipates awarding a professional service contract expected to cost in excess of fifty thousand dollars (\$50,000.00); and (2) describes the project for which the service is needed.

In this notice, the city agency shall also explain or state: (1) why the needed service or services cannot be provided by existing city employees; and (2) the frequency with which such services have been needed in the past and the anticipated need for such services in the future; and (3) whether it would be cost effective for the city to hire city employees to provide the required service in the future.

(b)

The city agency shall prepare a request for proposals (hereinafter "RFP"). The RFP shall include: (1) a general description of the project; (2) a statement of the city agency's needs and requirements; (3) a list of criteria by which offerors and proposals will be evaluated; (4) notice of any offeror's meeting or conference that will be held; and (5) where the city agency intends to evaluate offers using the environmentally preferable factor, the RFP shall so indicate that intention.

The evaluation criteria for any contract awarded under this section shall include, but need not be limited to, the following: (1) the competence of the offeror to perform the required service as indicated by the technical training, education and experience of the offeror's personnel who would be assigned to perform the work; (2) the quality and feasibility of the offeror's technical proposal; (3) the ability of the offeror to perform the required service competently and expeditiously as indicated by the offeror's workload and the availability of necessary personnel, equipment and facilities; (4) past performance of the offeror as reflected by evaluations of the city agency, other city agencies and other previous clients of the offeror with respect to such factors as quality of work, success in controlling costs, and success in meeting deadlines; and (5) an environmentally preferable factor except when there is not an environmentally preferable manner in which to carry out the purpose of the contract.

(c)

The city agency shall give notice of the RFP by advertisement in the Columbus City Bulletin. Such advertisement shall be published sufficiently in advance of the deadline for submission of proposals to allow offerors an adequate opportunity to submit a proposal given the nature and size of the project. In no case shall the advertisement be made less than seven (7) days in advance of the deadline for submission of proposals. The city agency may also advertise the REP in newspapers, professional and trade publications, and any other appropriate publications. The city agency may also contact potential offerors directly.

(d)

The city agency 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 city agency, other city agencies, or both. Unless manifestly impractical, at least one (1) member of the selection committee shall hold the same professional license or certification required by the offerors. The committee may also include noncity 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.

(e)

The committee shall evaluate all offerors and proposals received and rank the offerors based upon the evaluation criteria specified in the RFP. 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 or city agency.

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.

(f)

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 RFP.

(g)

The committee shall submit its ranking of the offerors along with a written explanation to the director of the city agency. The ranking and written explanation shall become part of the contract file.

(h)

The director of the city agency shall have discretion consistent with appropriate departmental and/or citywide administrative rules in selecting the offeror with which to enter into contract negotiations. The city agency 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 city agency may enter into contract negotiations with another offeror as selected by the director. This process may continue until a contract is successfully negotiated.

(i)

After successfully negotiating a contract, the city agency shall submit legislation to city council requesting approval of the contract. In its request for approval, the city agency 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.

(Ord. 23-96; Ord. 1604-01 § 2 (part); Ord. 81-02 § 1 (part); Ord. 223-06 § 1 (part).)

329.15 - Process for awarding not-for-profit service contracts exceeding twenty thousand dollars (\$20,000.00).

Not-for-profit service contracts shall be awarded under this section as follows:

(a)

A city agency shall negotiate a not-for-profit service contract.

(b)

After the not-for-profit service contract is negotiated, the city agency shall submit legislation to city council requesting approval of the contract. In its request for approval, the city agency shall explain: (1) the purpose of the contract; and (2) why the needed service or services cannot be provided by existing city employees.

(c)

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

(Ord. 2673-94; Ord. 1576-00 § 1 (part); Ord. 81-02 § 1 (part).)

329.16 - Contract modifications.

A city agency may enter into discussions with a contractor to modify an existing contract, or to procure additional goods or services in the event that unforeseen circumstances require additional purchases under a contract. After agreeing upon the terms of a modification, the city agency shall submit legislation to city council requesting approval of the modification. If the modification would result in the procurement of additional goods or services, the city agency, in its request for approval of the modification, shall provide city council with a written statement or explanation of the following: (1) the amount of additional funds to be expended under the modification; (2) why the need for additional goods or services could not be foreseen at the time the contract was initially awarded; (3) why it would not be in the city's best interests to have the additional contract requirements awarded through other procurement processes specified in this chapter such as Sections 329.06, 329.09, 329.11, 329.12, 329.13, or 329.14; and (4) how the price for the additional goods or services which are the subject of the modification was determined. This explanation shall become part of the contract file. No contract modification shall be effective until approved by ordinance of city council.

No modification shall be used to extend a contract with a contractor from year-to-year unless the contract was originally established with a multi-year renewal option. Any city agency entering into an agreement for a contract modification resulting in the purchase of additional goods or services shall submit a record of such modification to the director of finance and management or designee. The city agency shall maintain a public record of these contract modifications. For each modification, the record shall clearly state the city agency involved, the contract identification number, the contractor's identity, and the amount of the modification. The record shall also describe the additional materials, supplies, equipment and/or services procured under the modification.

(Ord. 23-96; Ord. 81-02 § 1 (part); Ord. 1102-05 § 1 (part).)

329.17 - Contract administration and evaluation.

Promptly after awarding any contract for services under Sections **329.09**, **329.11**, **329.12**, **329.13**, or **329.14**, the director of the city agency shall designate an employee of the city agency as contract administrator.

The contract administrator shall have the following responsibilities: (1) to determine whether the contractor is in compliance with the terms and conditions of the contract before any scheduled payment is made; (2) to initiate action in the event of nonperformance or other breach of the contract; and (3) to file an evaluation of the contractor's performance with the director of finance and management or designee and the city agency within sixty (60) days after the completion of the contract.

This evaluation shall be completed in a form prescribed by the director of finance and management or designee. The completed evaluation shall become part of the contract file, and a copy of such evaluation shall be retained by the director of finance and management or designee to assist in the evaluation of contractors for future city contracts.

The director of the city agency shall promptly fill any vacancy that occurs in the position of contract administrator for any contract prior to the completion of the contract.

(Ord. 23-96; Ord. 81-02 § 1 (part); Ord. 1102-05 § 1 (part).)

329.18 - Statements of expression of interest.

Individuals and firms engaged in providing professional services may submit to the director of finance and management or designee and any city agency written statements expressing their interest in providing professional services to the city. The director of finance and management or designee may specify a uniform format for statements of expression of interest. The director of finance and management or designee and the city agencies shall retain these statements to assist city agencies in contacting individuals and firms interested in providing professional services to the city. Individuals and firms may amend these statements at any time by filing a new statement.

(Ord. 23-96; Ord. 81-02 § 1 (part); Ord. 1102-05 § 1 (part).)

329.19 - Issuance of addenda—Cancellation of invitations for bids, request for statements of qualifications, and requests for proposals.

The director of finance and management or designee or city agency may issue addenda to or cancel any invitation for bids, request for statements of qualifications, and/or request for proposals, and may reject any or all bids or proposals in whole or in part when it is for good cause and in the best interests of the city. Each invitation for bids, request for statements of qualifications, and request for proposals issued by the city shall state that the bid or request may be cancelled and that any bid or proposal may be rejected in whole or in part when it is for good cause and in the best interests of the city.

(Ord. 23-96; Ord. 81-02 § 1 (part); Ord. 1102-05 § 1 (part).)

329.20 - Correction or withdrawal of bids or offers.

The director of finance and management or designee may allow a bidder responding to an invitation for bids to withdraw an inadvertently erroneous bid by written notice prior to the opening of bids.

(Ord. 23-96; Ord. 81-02 § 1 (part); Ord. 1102-05 § 1 (part).)

329.21 - Bonds.

Each bid shall contain the full name of every person or company interested in the same and shall be accompanied by a bond, certified check or cashier's check on a solvent bank, if required by the bid specifications, as surety that if a bid is accepted a contract will be executed.

If the bidder submits a bond with his proposal, the bond shall be issued by a guaranty company authorized to do so under the Ohio Revised Code or by a surety who is: (1) a resident of this state; and (2) worth, in the aggregate, double the sum to be secured, beyond the amount of their debts; and (3) have property liable to execution in the state equal to the sum to be secured.

If a performance bond will be required, the advertisement will state the amount of such bond. Provided, however, that all contracts for public improvements shall require a minimum ten (10) percent bid surety and fifty (50) percent performance bond.

(Ord. 2951-90; Ord. 81-02 § 1 (part).)

329.22 - General contract provisions.

All contracts shall be in writing and shall be executed in the name of the city by the director of the city agency, or director of finance and management or designee. Copies of the contract shall be filed with the city agency, the city auditor, and the contractor.

(Ord. 23-96; Ord. 81-02 § 1 (part); Ord. 1102-05 § 1 (part).)

329.23 - City attorney review—Establishment of standard contracts and contract clauses.

All contracts shall be reviewed by and approved as to form by the city attorney or a representative of the city attorney. Any contract which has not been reviewed and approved by the city attorney or his designated representative shall be void and unenforceable against the city and its officials. The city attorney, in consultation with the director of finance and management or designee, may establish standard procurement contracts and standard contract language and clauses for use in or as procurement contracts where appropriate.

(Ord. 23-96; Ord. 81-02 § 1 (part); Ord. 1102-05 § 1 (part).)

329.24 - Purchase of data processing equipment and services.

Unless specifically authorized by ordinance, any purchase of data, audio or video technology and services not conforming to citywide standards shall require the recommendation of the information technology commission.

(Ord. 1034-96; Ord. 1576-00 § 1 (part); Ord. 81-02 § 1 (part).)

329.25 - Cost for inspections.

The various divisions and departments of the city may charge a party that is interested in matters before, regulated by, or doing or seeking to do business with the city for the cost of travel, meals and lodging incurred in inspecting or examining supplies, materials, equipment or services prior to entering into a contract with said party. The cost of travel, meals and lodging shall be consistent with guidelines established for general city travel.

All charges made and received pursuant to this section shall be deposited with the city treasurer.

(Ord. 491-91; Ord. 1576-00 § 1 (part); Ord. 81-02 § 1 (part).)

329.26 - Acceptance of electronic signatures.

For the purpose of this chapter only, the finance and management director or designee may establish the procedures and policies under which electronic signatures will be accepted by the city departments and divisions consistent with the provisions of this chapter.

(Ord. 678-96; Ord. 1576-00 § 1 (part); Ord. 81-02 § 1 (part); Ord. 1947-05 § 1 (part).)

329.27 - Waiver of regulations.

Non-Emergency Waiver of Regulations. When city council determines that it is in the best interests of the city, city council, by ordinance, may waive any of the provisions of this chapter.

Emergency Waiver of Regulations. In the event of a clear and present danger to public health, safety, welfare or property, the mayor may declare a state of emergency, authorize and direct that a contract be entered into for the procurement of materials, supplies, equipment, construction or service without complying with the provisions of any of the provisions of this chapter. The mayor shall provide city council with a written explanation of the basis for the emergency and for the selection of the chosen contractor whenever a contract is so awarded.

(Ord. 1426-88; Ord. 81-02 § 1 (part).)

329.28 - Authority to debar or suspend.

After consulting with the city attorney, the director of finance and management or designee is authorized to suspend an individual or firm from consideration for the award of city contracts if there is probable cause to believe that the individual or firm has engaged in any activity (as identified in this section) which might lead to debarment. The suspension shall be for a period not to exceed three (3) months.

After reasonable notice to the individual or firm involved and reasonable opportunity for that individual or firm to be heard, the director of finance and management or designee, after consulting with the city attorney, is authorized to debar a person or firm from consideration of award of city contracts. The debarment shall be for a period of not more than three (3) years.

The causes for debarment include the following:

- (1) Conviction for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract.
- (2) Conviction under state or 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 significantly affects responsibility as a contractor.
- (3) Conviction under state or federal antitrust statutes arising out of the submission of bids or proposals.
- (4) Violation of contract provisions of a serious character including deliberate failure without good cause to perform in accordance with the specifications or within the time limit provided in a contract, and/or a recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts, provided that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be a basis for debarment.
- (5) Any other cause which the director of finance and management or designee determines to be so serious and compelling as to affect responsibility as a contractor, including debarment by another governmental entity for any cause listed in this section.

The director of finance and management or designee shall issue a written decision to debar or suspend and shall send a copy of the decision to the debarred or suspended individual or firm. The decision shall state the reasons for the action taken and inform the debarred or suspended individual or firm involved of any available judicial or administrative review.

(Ord. 23-96; Ord. 81-02 § 1 (part); Ord. 1102-05 § 1 (part).)

329.29 - Sale of city-owned realty.

Unless specifically approved by ordinance, no city agency shall offer for sale any real property without the recommendation of the land review commission. When such sale is approved, the director of finance and management or designee shall advertise such property for sale in the Columbus City Bulletin for a period of at least two (2) weeks. The director of finance and management or designee may also advertise the sale in newspapers and any other appropriate publications. Bids shall be opened at the date and time specified. When the bids are opened, the amounts of the bids shall be reported to city council. No property shall be conveyed until city council has approved the conveyance and terms of the sale by ordinance.

When the director of finance and management or designee has twice offered a tract of real estate for sale and it has not been sold, the director of finance and management or designee may sell it at private sale either as an entire tract or in parcels; however, no conveyance shall be made until the amount of the bid and the conditions of the sale are reported to and approved by city council. This section shall not apply to sales of real property acquired as part of an urban renewal project.

(Ord. 23-96; Ord. 81-02 § 1 (part); Ord. 1102-05 § 1 (part).)

329.29.1 - Lease of city-owned realty.

(a)

No city agency shall lease or authorize the sublease of any real property owned by the city, upon which private or public improvements are planned to be constructed, without first obtaining authorization by ordinance of council.

(b)

Unless specifically waived by ordinance of council, all leases, assignments, subleases and modifications thereto, authorized pursuant to this section shall require that in all construction of private or public improvements situated on city-owned land that prevailing wage rates shall be paid in constructing the improvement. The prevailing wage shall be defined in the same manner as Ohio Revised Code 4115.03.

(c)

Subsection (b) does not apply when the real property is a gift or contribution to the city and at the time of the gift the construction of the specific public or private improvements was contemplated; or when a private party offers to contribute as a gift to the city the construction of improvement on city-owned real property and a lease of less than two (2) years of the real property is part of the transaction, and no city funds are involved in the project.

(Ord. 639-90; Ord. 81-02 § 1 (part); Ord. 1132-2008 Attach. (part).)

329.30 - Sale of city-owned personal property.

(a)

All personal property of the city no longer needed for public use shall be sold by the director of finance and management or designee upon written recommendation of the director of the city agency having control of such property. Such property shall first be offered for sale or transfer to any other city agency at its present value. If not sold to another city agency, such property shall be sold to the highest bidder in a manner prescribed by the director of finance and management or designee.

(b)

All personal property of the city no longer needed and of value due to its recyclable materials content may be collected by the city or its contractor and may be sold to the highest bidder in a manner prescribed by the director of finance and management or designee.

(Ord. 23-96; Ord. 81-02 § 1 (part); Ord. 1102-05 § 1 (part); Ord. 223-06 § 1 (part).)

329.31 - Environmentally preferable purchasing.

(a)

City agencies will develop specifications to encourage the purchase of materials, supplies, equipment, construction and services from an environmentally preferable bidder or offeror unless there is not an environmentally preferable manner in which to carry out the purpose of the contract. The goal of such purchasing is to not only preserve and conserve natural resources and to help keep materials out of the solid waste stream, but to also leverage the city's buying power to nurture the marketplace for recycled and recyclable products.

(b)

In evaluating bids or offers for materials, supplies, equipment, construction and services, preference will be given to an environmentally preferable bidder

who offers a product or service equal to or superior to that of a non-environmentally preferable bidder or offeror where the environmentally preferable bid or offer does not exceed by more than five (5) percent (up to a maximum of twenty thousand dollars (\$20,000)) the lowest responsive and responsible and best bid from any non-environmentally preferable bid or offer. The environmentally preferable bidder will be required to demonstrate to the city agency procuring the product or service how their bid is equal to or superior to that of a non-environmentally preferable bidder. Where the bidder or offeror is local, the applicable credit for a local bidder or offeror shall be calculated first.

(Ord. 223-06 § 1 (part).)

