



Town of Green Mountain Falls

Regular Board of Trustee Meeting Agenda

10615 Green Mountain Falls Road

Tuesday, July 16, 2019 7:00 p.m.

REGULAR MEETING:

1. CALL TO ORDER / ROLL CALL / PLEDGE OF ALLEGIANCE
2. ADDITIONS, DELETIONS, OR CORRECTION TO THE AGENDA
3. CONSENT AGENDA
 - a. Approve Board of Trustees Meeting Minutes from Regular and Special Meetings for July 2, 2019, July 8, 2019, and July 10, 2019
 - b. Bring Into Record Checks Run July 12, 2019

LOCAL LICENSING AUTHORITY ACTIONS:

1. Consideration of the Buffalo Chefs INC Liquor License Renewal
4. NEW BUSINESS
 - a. Trails Committee Report
5. OLD BUSINESS
 - a. Belvidere Paving Project Report
 - b. Final Adoption, Ordinance 2019-04, An Ordinance Repealing And Reenacting Article Vii Of Chapter 4 Of The Green Mountain Falls Municipal Code Concerning Municipal Procurement Procedures
 - c. Discussion – Comp Plan Resolution from the Planning Commission
6. PUBLIC INPUT: 3 Minutes per speaker
7. CORRESPONDENCE
 - a. NRCS map
8. REPORTS
 - a. Trustees
 - b. Town Manager
 - c. Town Clerk

9. EXECUTIVE SESSION

a. Pursuant to C.R.S § 24-6-402(f) for the Purpose of Personnel Matters, Specifically to Discuss Staffing Needs and Pursuant to C.R.S § 24-6-402(e) for The Purpose of Matters That May be Subject to Negotiations, Developing Strategy for Negotiations, and/or Instructing Negotiators

10. POSSIBLE BOARD ACTION

11. ADJOURNMENT

TOWN OF GREEN MOUNTAIN FALLS
Regular Board of Trustee Meeting
Tuesday July 2, 2019 – 7:00 P.M.

REGULAR MEETING MINUTES

Board Members Present

Mayor Jane Newberry
Trustee Margaret Peterson
Trustee Katharine Guthrie

Board Members Absent

Trustee Chris Quinn
Trustee Tyler Stevens

Town Attorney

Not present

Interim Town Manager

Town Clerk

Laura Kotewa

Public Works

Marshal's Dept.

Planner

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- 1. Public workshop** - Ordinance 2019-04, An Ordinance Repealing And Reenacting Article Vii Of Chapter 4 Of The Green Mountain Falls Municipal Code Concerning Municipal Procurement Procedures

The Public workshop was called to order at 7:05pm and an opportunity given for public input. Hearing none, the workshop concluded at 7:06pm.

2. Call to Order/Roll Call/Pledge of Allegiance

Mayor Newberry called the meeting to order at 7:07 p.m. The Pledge of Allegiance was recited.

3. Additions, Deletions, or Corrections to the Agenda

Mayor Newberry made a motion, seconded by Trustee Guthrie, to accept the Agenda. Motion passed.

4. Consent Agenda

- a. Approve Board of Trustees Meeting Minutes June 18, 2019

- b. Approve Board of Trustees Meeting Minutes June 24, 2019
- c. Bring into Record Checks Run June 27, 2019

Mayor Newberry made a motion, seconded by Trustee Peterson to accept the Consent Agenda. Motion carried.

5. New Business

There were no new business items on the Agenda.

6. Old Business

- a. Wilson and Company – Andre Bracken updates continued from June 18, 2019 meeting

Mr. Andre Bracken gave an update on the project progress. He also spoke about the NRCS Emergency Watershed Protection Grant funds that may be available to the town at a 25% match.

The Board discussed sponsoring a meeting with property owners who would be affected by the Grant's anticipated work, in a public setting, and being able to sign an NRCS agreement in the near future.

- b. Public Hearing and Final Adoption, Ordinance 2019-04, An Ordinance Repealing And Reenacting Article VII Of Chapter 4 Of The Green Mountain Falls Municipal Code Concerning Municipal Procurement Procedures

Ms. Kotewa shared some background information including that she had received several other procurement Ordinances from other communities that day.

Trustee Peterson made a motion, seconded by Trustee Guthrie to continue this item until the next Board meeting in order to take a look at the examples received that day.

7. Public Input – 3 Minutes Per Speaker

Public input was heard from Lana Fox regarding the Belvidere paving project.

Ann Esch spoke about the PPRTA, where the R stands for rural, not regional and the Council of Governments.

8. Correspondence:

- a. Trails Committee Minutes May 9, 2019
- b. Email re Limited Gaming Committee opening

Receipt of the above correspondence was acknowledged. Rocco Blasi will be invited to share a report on the Trails Committee projects at the July 16, 2019 meeting.

9. Reports

- a. Trustees – Mayor Newberry shared information about the Belvidere project, and a meeting with Kiewitt. She mentioned that there is an upcoming Forum at the Church of the Wildwood on July 13, that the pool is operational and open, and that the Green Mountain Falls sign located by the lake has been repainted and is awaiting installation.
- b. Town Manager – was not available to attend this meeting. No report was shared.
- c. Town Clerk – shared highlights from her report and that there is upcoming training for the grant bidding process.
- d. Marshal – the town clerk read aloud from a report the Marshal had shared.

10. Adjournment

Meeting adjourned at 7:45 p.m.

Jane Newberry, Mayor

Laura J. Kotewa, Town Clerk/Treasurer

TOWN OF GREEN MOUNTAIN FALLS
Special Board of Trustee Meeting
July 8, 2019 – 5:30 P.M.

SPECIAL MEETING MINUTES

Board Members Present

Mayor Jane Newberry
Trustee Tyler Stevens
Trustee Margaret Peterson
Trustee Katharine Guthrie

Board Members Absent

Trustee Chris Quinn

Town Attorney

Not present

Interim Town Manager

Public Works

Town Clerk

Laura Kotewa

Marshal's Dept.

Planner

Julia Simmons

1. Call to Order/Roll Call/Pledge of Allegiance

Mayor Newberry called the meeting to order at 5:46p.m. The Pledge of Allegiance was recited.

2. Executive Session

Mayor Newberry made a motion to enter into Executive Session Pursuant to C.R.S § 24-6-402(f) for the Purpose of Personnel Matters, Specifically to Evaluate Applicants for Position of Town Manager and Pursuant to C.R.S § 24-6-402(e) for The Purpose of Matters That May be Subject to Negotiations, Developing Strategy for Negotiations, and/or Instructing Negotiators seconded by Tyler Stevens. Motion carried by unanimous vote. Staff members Ms. Laura Kotewa and Ms. Julia Simmons were invited to join along with Ms. Angie Sprang.

The regular meeting went into recess at 5:48pm, Executive Session was called to order at 5:49pm and part one was adjourned at 7:02pm. Part 2 of the Executive Session came to order at 7:03pm and was adjourned at 7:23pm.

No action was taken during any part of the Executive Session.

3. Possible Action by the Board

No action was taken by the board.

4. Adjournment

The Special Meeting adjourned at 7:24 p.m.

Jane Newberry, Mayor

Laura J. Kotewa, Town Clerk/Treasurer

TOWN OF GREEN MOUNTAIN FALLS
Special Board of Trustee Meeting
July 10, 2019 – 5:30 P.M.

SPECIAL MEETING MINUTES

Board Members Present

Mayor Jane Newberry
Trustee Tyler Stevens
Trustee Margaret Peterson
Trustee Katharine Guthrie

Board Members Absent

Trustee Chris Quinn

Town Attorney

Not present

Interim Town Manager

Public Works

Town Clerk

Marshal's Dept.

Planner

1. Call to Order/Roll Call/Pledge of Allegiance

Mayor Newberry called the meeting to order at 5:40p.m. The Pledge of Allegiance was recited.

2. Executive Session

Mayor Newberry made a motion to enter into Executive Session Pursuant to C.R.S § 24-6-402(f) for the Purpose of Personnel Matters, Specifically to Evaluate Applicants for Position of Town Manager and Pursuant to C.R.S § 24-6-402(e) for The Purpose of Matters That May be Subject to Negotiations, Developing Strategy for Negotiations, and/or Instructing Negotiators seconded by Tyler Stevens. Motion carried by unanimous vote. Mr. Joshua Curtis was invited to attend.

The regular meeting went into recess at 5:41pm with the Executive Session called to order at 5:42pm. The Executive Session adjourned at 6:45pm.

No action was taken during the Executive Session.

3. Possible Action by the Board

No action was taken by the board.

4. Adjournment

The Special Meeting adjourned at 6:46 p.m.

Jane Newberry, Mayor

Laura J. Kotewa, Town Clerk/Treasurer

1:02 PM

07/12/19

Accrual Basis

Town of Green Mountain Falls
Expenses by Vendor Summary
June 28 through July 12, 2019

	<u>Jun 28 - Jul 12, 19</u>
Black Hills Energy	382.28
Cash	120.00
Century Link	-915.68
Chase Card Services	543.22
Cirsa	2,708.05
Colorado Springs Gazette, LLC	49.99
Colorado Springs Utilities	1,248.57
Comcast	76.90
Deep Rock Water	37.17
Employers Council	280.00
Hoffman, Parker, Wilson & Carberry	741.00
Laura Kotewa	250.56
Logan Simpson Design Inc.	5,237.61
Melissa Newberry	19.63
Napa Auto Parts	432.55
Presto-X	931.20
Rampart Supply	183.99
Tiptop Tree Cultivation	1,025.00
Waste Management	94.86
Woodland Hardware and Home	260.13
TOTAL	<u><u>13,707.03</u></u>

BOARD OF TRUSTEES AGENDA MEMO

DATE: 7.16.19	AGENDA NO 4.a	SUBJECT: BUFFALO CHEFS INC Liquor License Renewal Application
Presented by: Laura Kotewa Town Clerk		

Recommend action: Approve the Retail Liquor or 3.2 Beer License Application for BUFFALO CHEFS INC license renewal.

Background: BUFFALO CHEFS INC has submitted, in a timely manner, their application for renewal, and has made payment for all associated fees. Their application includes their compliance with all criteria for renewal. Their current license expires Sept 1, 2019, and there have been no violations reported.

Issue Before the Board:

Whether the Board would wish to grant approval to renew the BUFFALO CHEFS INC Liquor License

Alternatives:

1. Approve the renewal application as requested
2. Do not approve the renewal application and seek appropriate legal advice.

Conclusion

In its role as the Local Liquor Licensing Authority, the Board is obligated to act on this renewal in a reasonable amount of time. In the absence of any compelling reason to not approve the renewal, it would be inappropriate to take any other action than renewal.

**RETAIL LIQUOR OR 3.2 BEER
LICENSE RENEWAL APPLICATION**

PANTRY RESTAURANT THE
6980 LAKE ST
GREEN MOUNTAIN FALLS CO 80819-0378

Fees Due	
Renewal Fee	500.00
Storage Permit \$100 x _____	_____
Optional Premise \$100 x _____	_____
Related Resort \$75 x _____	_____
Amount Due/Paid	500.00

Make check payable to: **Colorado Department of Revenue**.
The State may convert your check to a one-time electronic
banking transaction. Your bank account may be debited as early
as the same day received by the State. If converted, your check
will not be returned. If your check is rejected due to insufficient or
uncollected funds, the Department may collect the payment
amount directly from your banking account electronically.

PLEASE VERIFY & UPDATE ALL INFORMATION BELOW

RETURN TO CITY OR COUNTY LICENSING AUTHORITY BY DUE DATE

Licensee Name BUFFALO CHEFS INC		DBA PANTRY RESTAURANT THE		
Liquor License # 40-62858-0000	License Type Hotel & Restaurant (city)	Sales Tax License # 40628580000	Expiration Date 09/01/2019	Due Date 07/18/2019
Operating Manager Bernie L. Stephens, Jr.	Date of Birth 11-29-1952	Home Address 8620 Chipita Park Rd, Cascade, CO 80809		
Manager Phone Number 719-684-2080		Email Address thepantry@comcast.net		
Street Address 6980 LAKE ST GREEN MOUNTAIN FALLS CO 80819				Phone Number 7196849018
Mailing Address 6980 LAKE ST GREEN MOUNTAIN FALLS CO 80819-0378 - P.O. Box 318, Green Mtn. Falls, CO 80819				
<p>1. Do you have legal possession of the premises at the street address above? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO Is the premises owned or rented? <input checked="" type="checkbox"/> Owned <input type="checkbox"/> Rented* *If rented, expiration date of lease _____</p> <p>59. Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p>NOTE TO CORPORATION, LIMITED LIABILITY COMPANY AND PARTNERSHIP APPLICANTS: If you have added or deleted any officers, directors, managing members, general partners or persons with 10% or more interest in your business, you must complete and return immediately to your Local Licensing Authority, Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, along with all supporting documentation and fees.</p> <p>3. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p>4. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p>5. Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p>				

AFFIRMATION & CONSENT

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

Type or Print Name of Applicant/Authorized Agent of Business Bernie L. Stephens, Jr.	Title Owner/President
Signature [Signature]	Date 7-1-2019

REPORT & APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 12, Articles 46 and 47, C.R.S. **THEREFORE THIS APPLICATION IS APPROVED.**

Local Licensing Authority For The Town of Green Mountain Falls	Date
Signature	Title
	Attest

From: Omar Lopez <OmarLopez@elpasoco.com>

Sent: Monday, July 1, 2019 3:40 PM

To: Jason Wells <manager@gmfco.us>; Thomas Albaugh <ThomasAlbaugh@elpasoco.com>; Rick Reiter <RickReiter@elpasoco.com>

Cc: Julia Simmons <planner@gmfco.us>

Subject: RE: Belvidere Ave. RAP Shouldering Proposal

Jason,

The shouldering work proposed by Kiewit can work in the following scenarios; to help smooth out the driveway transitions, to minimize the step created by the new roadway elevation and in some locations to help protect the road from undermining. These are the only scenarios where I would recommend shouldering. Shouldering will not address the road width or the drainage issues, which were the other citizen's concerns.

I cannot recommend doing any additional work. Simply replacing existing curb and gutter with similar new curb and gutter will not solve the pre-existing drainage issues. My concern is that by doing curb and gutter work the public will assume that the drainage issues are being resolved. But once the first significant storm event comes it will be obvious that the drainage issues are still present and this paving project will be blamed for making things worse. The only positive to doing curb and gutter work is that it can make the project look nice and appear to be complete. This is the reason why we didn't include any curb and gutter work in the original scope and decided that our best option was to repave the road..

The only way to solve all of these issues would be to do a drainage analysis and design of the entire corridor and have an adequate maintenance plan. This could include sizing curb, gutter, channels, storm drains, culverts and determining confluence locations and then you need money to build. The project overall budget was not sufficient to include even a portion of the appropriate drainage improvements which is why our recommendation from the beginning was to only repave Belvidere Ave. Also, completing drainage improvements would prompt the need to formally establish driveways.

We can definitely do shouldering work in the appropriate areas. Currently there is \$2,201.30 left in the contract. Let us know how you would like to proceed.

Respectfully,

Omar Lopez, P.E.

Engineer II

El Paso County Dept. of Public Works

OmarLopez@elpasoco.com

Office: (719) 520-6849

Mobile: (719) 216-1696



PROJECT PROGRESS PAYMENT

7/3/2019

Payment Number:

El Paso County Public Services Department
3275 Akers Drive
Colorado Springs, Co 80922

Project Name: Belvidere Ave paving

IFB Number: 18-120

Kiewit Infrastructure Co.

160 Inverness Dr West, Suite 110

Englewood, CO 80112

ITEM	DESCRIPTION	PLAN QUAN	BID PRICE	QUAN. TO DATE	UNIT	% COMP	COST TO DATE
107	No Parking Sign	7	\$20.00	8.00	Day	114.29%	\$160.00
107	No Parking Signs	7	\$21.43	7.00	Day	100.00%	\$150.00
210	Installation of Utility Water Valve Rings	5	\$150.00	7.00	EA	140.00%	\$1,050.00
310	Full Depth Reclamation	2448	\$10.00	2517.00	SY	102.82%	\$25,170.00
403	Asphalt Patching	5	\$220.00	26.00	TON	520.00%	\$5,720.00
403	Hot Mix Asphalt (Gr. SX)	900	\$95.00	1070.26	TON	118.92%	\$101,674.70
420	Type I Geotextile	215	\$2.00	150.00	SY	69.77%	\$300.00
506	Riprap 12 inch (Special)	153	\$90.00	93.00	CY	60.78%	\$8,370.00
506	Riprap 36 inch	16	\$130.00	34.00	CY	212.50%	\$4,420.00
609	Bituminous Curb	1047	\$8.00	25.00	LF	2.39%	\$200.00
626	Mobilization	1	\$11,500.00	1.00	LS	100.00%	\$11,500.00
630	Traffic Control	1	\$12,000.00	1.00	LS	100.00%	\$12,000.00
706	36" RCP	72	\$260.00	72.00	LF	100.00%	\$18,720.00

TOTAL TO DATE= \$189,434.70

LESS RETAINAGE PER SECTION 109.06= \$8,896.74

SECURITIES AMT= \$0.00

NET AMOUNT= \$180,537.96

ITEM 626, MOBILIZATION AMT: \$0.00 AT: 100.00% = \$0.00

PROJECT GRAND TOTAL= \$180,537.96

TOTAL OF PREVIOUS ESTIMATES= \$0.00

PAY THIS AMOUNT THIS ESTIMATE= \$180,537.96

CONTRACT AWARD AMT: \$191,636.00

REVISED CONTRACT AMT: \$191,636.00 % COMPLETE: 99%

I CERTIFY THAT THE QUANTITIES AND AMOUNTS AS HEREIN STATED ARE CORRECT.

SIGNED Thomas Allbaugh (PROJECT INSPECTOR) Date: 7-1-2019

APPROVED BY PROJECT ENGINEER [Signature] Date: 7-3-2019

APPROVED BY INSPECTION SUPERVISOR [Signature] 7/3/2019

APPROVED BY CONST. SERVICES MANAGER _____

APPROVED BY RESOURCE MANAGER _____

APPROVED BY GREEN MOUNTAIN FALLS INTERIM MANAGER _____

APPLICATION AND APPROVAL FOR PAYMENT

TO OWNER:

NAME Town of Green Mountain Falls and Pikes Peak Rural Transportation Authority
ADDRESS 10615 Unit B Green Mountain Falls Rd
CITY, STATE, ZIP CODE Green Mountain Falls, CO 80819

FROM CONTRACTOR:

NAME Kiewit Infrastructure Co.
ADDRESS 160 Inveness Drive West #110
CITY, STATE, ZIP CODE Englewood, CO 80112

CONTRACT FOR: BELVIDERE AVENUE IMPROVEMENTS PROJECT

PREPARED BY: Ryan Koneen

CONTRACTOR'S APPLICATION FOR PAYMENT

1. ORIGINAL CONTRACT SUM \$191,636.00
2. Net change by Change Orders \$0.00
3. CONTRACT SUM TO DATE \$191,636.00
4. TOTAL COMPLETED TO DATE \$189,434.70
5. RETAINAGE @ 5% \$8,896.74
6. TOTAL EARNED LESS RETAINAGE \$180,537.96
7. LESS PREVIOUS PAYMENTS
8. CURRENT PAYMENT DUE \$180,537.96

PROJECT Belvidere Ave
PROJECT # PETA 201824
DATE RCVD 6/27/2019
DOCUMENT TITLE PAY REQ #1
PETA

OK TO PAY
Belvidere
7/1/2019

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief, the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous certified Applications for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR:

Kiewit Infrastructure Co.

BY:

Ryan Koneen

DATE: 6/27/2019

TITLE:

Project Manager

APPROVAL FOR PAYMENT BY PPRTA AND TOWN OF GREEN MOUNTAIN FALLS, COLORADO

In accordance with the Contract Documents, based on observations by Owner's on-site representative and the data comprising the above application, PPRTA and the TOWN authorizes payment for Work which has progressed to the point indicated, and that the Contractor is entitled to payment of the CURRENT PAYMENT DUE.

APPROVED BY PPRTA:

Omar Lopez, Project Engineer

DATE:

APPROVED BY TOWN:

Jason Wells, Interim Town Manager

DATE:

DATE: 5/31/2019

PAYMENT APPLICATION NUMBER: 1

CONTRACT NUMBER: 18-120
PURCHASE ORDER NUMBER: 201824
CONTRACTOR: Kiewit Infrastructure Co.

Ref No	Item No.	Description	UOM	Original Qty	C.O. #2 Qty	C.O. #3 Qty	Total Adjusted Qty	Unit Price	Total Contract Value	Qty		Amount		% Complete		June		May	
										To-Date	Remaining	To-Date	Remaining	To-Date	% Complete	Dated	Amount	Dated	Amount
1	210-0000	Embankment (COT) Shouldering	CY	55.00			55.00	\$30.00	\$1,650.00	-	\$5.00	\$0.00	\$2,650.00	0.00%		6/10/2019	\$0.00	5/31/2019	\$0.00
2	210-1000	Installation of Utility Water Valve Rings	EA	3.00			3.00	\$150.00	\$450.00	7.00	(3.00)	\$1,050.00	\$0.00	100.00%		7.00	\$1,050.00		\$0.00
3	210-1000	Full Depth Restoration of Hot Mix Asphalt (18 inches)	SY	2,448.00			2,448.00	\$10.00	\$24,480.00	2,517.00	(69.00)	\$25,170.00	\$0.00	100.00%		2,517.00	\$25,170.00		\$0.00
4	400-0000	Hot Mix Asphalt Paving (for S&T) 18-25	TON	900.00			900.00	\$220.00	\$1,980.00	76.00	(121.00)	\$5,720.00	\$0.00	100.00%		26.00	\$5,720.00		\$0.00
5	400-1000	Hot Mix Asphalt (for S&T) 18-25	TON	900.00			900.00	\$220.00	\$1,980.00	1,070.26	(170.26)	\$10,674.76	\$0.00	100.00%		1,070.26	\$10,674.76		\$0.00
6	400-1000	Gravel (Basecourse)	SY	215.00			215.00	\$2.00	\$430.00	150.00	65.00	\$300.00	\$130.00	70.00%		150.00	\$300.00		\$0.00
7	400-1000	Gravel 21 inch (Special)	CY	153.00			153.00	\$90.00	\$13,770.00	93.00	60.00	\$5,400.00	\$0.00	61.00%		93.00	\$5,400.00		\$0.00
8	400-1000	Gravel 21 inch	CY	16.00			16.00	\$130.00	\$2,080.00	34.00	(18.00)	\$4,420.00	\$0.00	100.00%		34.00	\$4,420.00		\$0.00
9	400-1000	Gravel 21 inch	LF	1,047.00			1,047.00	\$8.00	\$8,376.00	25.00	1,022.00	\$200.00	\$8,176.00	2.00%		25.00	\$200.00		\$0.00
10	400-1000	Gravel 21 inch	LS	1.00			1.00	\$11,500.00	\$11,500.00	1.00	-	\$11,500.00	\$0.00	100.00%		0.75	\$9,000.00		\$0.00
11	400-1000	Gravel 21 inch	LS	1.00			1.00	\$12,000.00	\$12,000.00	1.00	-	\$12,000.00	\$0.00	100.00%		0.75	\$9,000.00		\$0.00
12	107-0000	No Parking Signs (First 7 Days)	DAY	7.00			7.00	\$12.43	\$87.01	7.00	-	\$160.00	\$0.00	100.00%		8.00	\$160.00		\$0.00
13	107-0000	No Parking Signs (Each additional day after day 7)	DAY	8.00			8.00	\$10.00	\$80.00	72.00	-	\$18,720.00	\$0.00	100.00%		72.00	\$18,720.00		\$0.00
14	700-0000	7/4 Minor Contract Revisions	FA	1.00			1.00	\$0.00	\$0.00	-	0.37	\$0.00	\$10,970.00	0.00%			\$0.00		\$0.00
TOTAL										-	-	\$108,434.76	\$2,201.30	99%		-	\$108,434.76	-	\$2,201.30
Retention										\$8,896.74		\$138,331.46		\$2,070.50		\$44,738.00		\$44,738.00	
Payment Due (Total Retention)										\$180,537.96		\$138,331.46		\$42,714.50					

TOWN OF GREEN MOUNTAIN FALLS

ORDINANCE NO. 2019-04

AN ORDINANCE REPEALING AND REENACTING ARTICLE VII OF CHAPTER 4 OF THE GREEN MOUNTAIN FALLS MUNICIPAL CODE CONCERNING MUNICIPAL PROCUREMENT PROCEDURES

WHEREAS, the Board of Trustees codified the Town's procurement policy by Ordinance No. 10-6-2015B on October 6, 2015;

WHEREAS, the Board of Trustees desires to simplify the Town's procurement and to specify select federal procurement requirements when federal funds are used by the Town; and

WHEREAS, the Board of Trustees determines that repealing and reenacting Article VII of Chapter 4 of the Green Mountain Falls Municipal Code containing the Town's procurement policy is the most efficient way to achieve the above goal.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF GREEN MOUNTAIN FALLS, COLORADO:

Section 1. Article VII of Chapter 4 of the Green Mountain Falls Municipal Code is hereby repealed and reenacted, to read as follows:

ARTICLE VII – Municipal Procurement Procedures

Sec. 4-121 – Application and Definitions.

(1) This procurement procedures set forth in this Article shall apply to every purchase to which the Town is a party, provided that the Town may vary from these procedures when necessary to comply with state or federal grant requirements.

(2) The following words, terms and phrases, when used in this Article, shall have the following meanings, unless the context clearly indicates otherwise:

(a) "Bids" shall mean either bids or proposals submitted in response to a written invitation for bids or a written request for proposals.

(b) "Town Administrator" shall mean the Town Administrator and the Town Administrator's designee.

Sec. 4-122 – General Requirements and Thresholds.

(1) **Written document.** Every purchase shall be evidenced by a written document.

(2) **Purchases of less than \$10,000.** A purchase in an amount of ten thousand dollars (\$10,000) or less may be approved by a Department Director without Town Administrator or Town Board action. Competitive bidding is not required. However, even on these items, periodic telephone/online checks should be made to be certain the purchases are obtained at the lowest cost for the quality desired.

(3) **Purchases of \$10,000 - \$25,000.** A purchase in an amount of ten thousand dollars (\$10,000) to twenty-five thousand dollars (\$25,000) must be approved by the Town Administrator. At least three written informal quotes must be solicited, unless an exception in Section 3, below, applies. When seeking written informal quotes, all quotes must be tabulated in detail and attached to the winning contract/invoice for future reference. If the recommended quote is not the lowest, an explanation must also accompany the contract/invoice.

(4) **Purchases in excess of \$25,000.** Any item for services, projects, or equipment in this category must be approved by the Town Board of Trustees. The formal bid process set forth in Sections 4 and 5, below, must be followed unless an exception applies. Responsibility for the advertising of formal bids will be that of the Department Director overseeing the purchase.

(5) **Appropriation required.** All expenditures for purchases shall be budgeted and appropriated. If a purchase is contemplated to extend beyond the current fiscal year, it must be subject to annual appropriation (unless otherwise permissible by elector vote or as determined by the Town Attorney).

Sec. 4-123 – Comparative Price Quotations (Between \$10,000 and \$25,000).

(1) When the amount of a purchase is between ten thousand dollars (\$10,000) and twenty-five thousand dollars (\$25,000), comparative price quotes by telephone, in person, or in writing from at least three (3) vendors or contractors shall be solicited, unless:

(a) The Town Administrator determines that the public interest would be best served by negotiated contract with a single vendor or contractor or with specific vendors or contractors possessing unique skills or products or by joint purchase with or from another unit of government; or

(b) The Town Administrator determines that the public interest would be best served by obtaining the goods or services through the formal bidding process.

(2) In case of a declared or pronounced emergency affecting the public peace, health or safety, the Town Administrator may waive all requirements for price quotes. In such cases, the Town Administrator may direct the appropriate Department Director to procure emergency needs by informal, open-market procedures, at no more than current market prices, as expeditiously as possible.

Sec. 4-124 – Formal Bidding Required (In excess of \$25,000).

(1) Formal bidding procedures shall be followed when the amount of a purchase exceeds twenty-five thousand dollars (\$25,000), unless the Town Board determines that the public interest will be best served by negotiated contract with a single vendor or contractor or with specific vendors or contractors possessing unique skills or products, or by joint purchase with or from another unit of government.

(2) In case of a declared or pronounced emergency affecting the public peace, health or safety, the Town Administrator, Mayor, or Board of Trustees may waive all requirements for formal bidding. In such cases, the Town Administrator, Mayor, or Board of Trustees may direct the appropriate Department Director to procure emergency needs by informal, open-market procedures, at no more than current market prices, as expeditiously as possible. If the Town Administrator or Mayor waived such requirements, the Town Administrator or Mayor, as appropriate, shall present a full report of the circumstances necessitating the emergency action at the next Town Board meeting with the potential option to extend the waiver of requirements for formal bidding.

Sec. 4-125 – Formal Bidding Procedures and Selection Criteria

(1) When formal bidding is required pursuant to Section 4, at least ten (10) days prior to the deadline for receipt of bids, a request or invitation for sealed bids shall be published at least once in an area newspaper, sent to three (3) or more potential bidders, or posted via electronic solicitation.

(2) The Board of Trustees or Town Administrator may pre-qualify vendors or contractors who wish to bid on Town purchases and limit acceptance of bids from such pre-qualified entities when determined to be in the best interests of the Town.

(3) Sealed bids shall be opened in public at the time and place stated in the public notice, unless all bidders have been notified of a change in such time or place by written addendum. A tabulation of all bids received shall be available for public inspection.

(4) After the bids have been reviewed, if the purchase will exceed the Town Administrator's purchasing authority of twenty-five thousand dollars (\$25,000), the Town Administrator shall submit a report to Town Board that contains an analysis of the bids, a recommendation for an award, and the reasons for the recommendation. The contract shall be awarded to the lowest responsible bidder meeting the bid specifications, unless it is determined that the public interest would be better served by accepting another bid. Unless otherwise prohibited by federal or state law, bidders which have maintained a physical location inside the limits of El Paso County for a period of more than 365 days prior to bid submission shall receive a 2% preference with respect to bid price and bidders which have

maintained a physical location inside the limits of the Town of Green Mountain Falls for a period of more than 365 days prior to bid submission shall receive an additional 2% preference with respect to bid price.

(5) In determining whether the public interest would be better served by accepting a bid other than the lowest bid, the following factors shall be considered:

(a) The bidder's skill, ability, and capacity to perform the services or to furnish the materials, equipment or supplies required;

(b) Whether the bidder can perform the services or furnish the materials, equipment or supplies promptly, or within the time period specified, without delay or interference;

(c) The bidder's character, integrity, reputation, judgment, experience and efficiency;

(d) The quality of the bidder's previous performance;

(e) The bidder's previous and current compliance with statutes, ordinances and rules relating to the purchase;

(f) The sufficiency of the bidder's financial resources necessary to perform the services or deliver the goods;

(g) The bidder's ability to provide future maintenance or service;
and

(h) The number and nature of any conditions attached to the bid.

(6) All bids may be rejected if it is determined that such action is in the public interest. Negotiations may be entered into with one or more bidders in an attempt to adjust the services, products, or bid price as the Town deems in the public interest, and no additional bidding shall be necessary.

Sec. 4-126 – Amendments to Purchase Agreements.

(1) The Town Administrator shall have authority to approve an amendment to a purchase agreement when the change order does not exceed 10% of the original agreement price and combined with the original agreement does not exceed the approved appropriation for said purchase.

(2) All other amendments to a purchase agreement previously approved by Town Board shall be approved or ratified by Town Board.

Sec. 4-127 – Principles and Ethics.

Every officer and employee of the Town is expressly prohibited from knowingly:

- (1) Seeking or accepting any personal gift or money directly or indirectly, from any person, company, firm or corporation in connection with a purchase.
- (2) Underestimating or exaggerating requirements to a prospective bidder for the purpose of influencing bids.
- (3) Misrepresenting the quality of a bidder's products or services.
- (4) Influencing the Town to make a purchase that will benefit the officer or employee, either directly or indirectly.
- (5) Approving a purchase in which any employee, elected or appointed officer of the Town has an interest, without the approval of the Town Administrator or Town Board.
- (6) No single purchase transaction shall be subdivided for the purpose of circumventing the dollar value limitations of this Policy.

Sec. 4-128 - Special rules for procurements using federal funds.

(1) No local or geographical preference shall be given to any vendor for projects in which the Town will receive or anticipates seeking federal funds as reimbursement for or contribution toward a Town contract or project. However, nothing in this Subsection prevents the Town from requiring a vendor to comply with any applicable state licensing laws or from applying such preference when federal law expressly mandates or encourages it. When contracting for architectural or engineering services, geographic location may be considered, provided that such consideration leaves an appropriate number of qualified firms to compete for the contract.

(2) Whenever the Town will receive or anticipates seeking federal funds as reimbursement for or any other form of payment or contribution toward a Town contract or project, the Town and any party contracting with the Town for such work shall take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. Affirmative steps shall include:

- (a) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
- (b) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;

(c) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises;

(d) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises;

(e) Using the services and assistance of the small business administration, and the minority business development agency of the department of commerce; and

(f) Requiring general contractors, if subcontracts are to be let, to take the affirmative steps listed in subsections (2)(a) through (2)(f) of this Section.

Section 2. Safety Clause. The Board of Trustees hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Green Mountain Falls, that it is promulgated for the health, safety and welfare of the public and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that this Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 3. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 4. Effective Date. This Ordinance shall be effective thirty (30) days after passage.

INTRODUCED AND ORDERED PUBLISHED the ____ day of _____, 2019, at the Green Mountain Falls Town Hall, 10615 Green Mountain Falls Road, Green Mountain Falls, Colorado.

ADOPTED AND ORDERED PUBLISHED the ____ day of _____, 2019.

Jane Newberry, Mayor

ATTEST:

Laura Kotewa, Town Clerk/Treasurer

Published in the Pike Peaks Courier, _____ 2019.

BOARD OF TRUSTEES AGENDA MEMO

DATE: 7.2.19	AGENDA NO 5.b	SUBJECT: Ordinance 19-04, re Procurement Procedures
Presented by: Laura Kotewa Town Clerk		

Recommend action: To consider adopting Ordinance 19-04.

Background:

As our attorney reviewed a suggested rewrite of this part of our code, he shared a version of the code that was shorter and possibly easier to understand that he had on file. The board saw both versions and decided to proceed with the shorter version. Things to consider may include:

- Is the position of "Town Administrator" the title to use? Maybe we should clarify that Administrator means the same as Manager somewhere just to cover our bases.
- We don't have "Department Directors". We need to better define what exactly that is. The Marshal is probably the only equivalent position right now. Is it the intent to allow any Director authority to spend \$10,000 without speaking the Manager?
- Might the dollar amounts need to be adjusted at the Department level? With such a small organization, the Manager would probably want to be involved with a \$10,000 expenditure. Maybe a good solution would be to keep the Manager threshold as it is, with the Manager having authority to delegate lesser threshold to any employee at his/her discretion.

Alternatives:

1. Adopt the resolution as written
2. Adopt the resolution with Board changes
3. Table the resolution until our Legal Department can make Board requested changes
4. Abandon the resolution

Conclusion: There could possibly be more to consider as the Board looks at Ordinance 2019-04. However, our current code mentions the use of a Trustee liaison which the town has moved on from, and this ordinance does offer clear direction to staff concerning procurement policy.

ARTICLE VI. - CONTRACTS AND PURCHASES

Sec. 2-666. - Administration.

- (a) *Administrative authority.* The director of the internal services department shall have administrative authority to implement this article by establishing and promulgating rules and procedures in accordance with section 2-3.
- (b) *Responsibilities of purchasing and contracts manager.* The purchasing and contracts manager shall have general supervision of the purchasing and contracts services division within the internal services department. The purchasing and contracts manager shall perform the duties required by state statutes and this Code, shall maintain official records and files of transactions, and shall ensure that proper forms are accurately processed.
- (c) *Procurement advisory committee.* A procurement advisory committee shall be established to be comprised of five members selected from various user departments. Each deputy city manager will appoint one member from within their group, and the city manager will appoint the remaining members. The manager of purchasing and contracts shall be a permanent nonvoting member and chairperson of the committee. The city attorney shall provide legal advice to the committee. Responsibilities of the procurement advisory committee shall be to review unusual procurement actions as requested by the director of internal services. The procurement advisory committee shall establish and promulgate policies and procedures to implement the responsibilities and duties of the committee.

(Code 1979, § 2-182; Ord. No. 2012-30, § 1, 7-9-2012, eff. 8-18-2012)

Sec. 2-667. - General procedures.

- (a) *Purpose.* All purchasing and contracting shall be accomplished in the best interests of the city using the prudent person's standard of care. Purchasing or contracting shall be performed so as to secure for the city the greatest value considering cost, quality, delivery, service and other considerations which reflect overall value comparisons.
- (b) *Full and open competition.* Full and open competition shall be encouraged.
- (c) *Competitive bidding.* Contracts shall be based on competitive bids or request for proposals except where this article authorizes non-competitive awards. The purchasing manager or designee shall determine the type of procurement process to be used for each award.
- (d) *Bulk purchases.* Whenever feasible, purchasing shall be done in bulk to take full advantage of discounts. Departments shall be responsible for anticipating needs in a timely fashion in order to consolidate and expedite procurement of the same type of commodities.
- (e) *Vendors and contractors list.* Information on vendors and contractors shall be maintained according to commodity or service areas. It shall be the vendor's responsibility to contact the purchasing and contract services division and request instructions on how they can be placed on the appropriate commodity/service list.
- (f) *Disqualified vendor or contractor.* Vendors or contractors who have performed unsatisfactorily or defaulted on terms of their bids/proposals may be declared excluded bidders/offerors and may be disqualified from receiving any business from the city for a specified time period. No vendor or contractor shall be declared an excluded bidder until an opinion regarding such has been obtained from the city attorney.
- (g) *Exception for real property and water related acquisitions and leases.* Notwithstanding any provision to the contrary, this article shall not be applicable to the leasing, rental or acquiring of real property and water, including improvements thereon.

- (h) *Subdivision prohibited.* No contract or purchase shall be subdivided to avoid the requirements of this article.
- (i) *Record.* A record shall be maintained, in accordance with state statutes, of all open market bids solicited and submitted to competition thereon, and such records shall be open to public inspection.
- (j) *Payments.* Payments to vendors or contractors shall be expedited whenever possible in order to realize discounts and enhance the city's reputation as a responsible customer.

(Code 1979, § 2-183; Ord. No. 2012-30, § 2, 7-9-2012, eff. 8-18-2012)

Sec. 2-668. - Prohibitions.

- (a) *Interests in contracts.* City officers and employees shall not be interested in any contract made by them in their official capacity or by any body, agency or board of the city of which they are members or employees. Within six months following the termination of his or her employment or retirement, a former employee may not contract with or be employed by an employer who contracts with the city involving matters with which he or she was directly involved during his or her employment.
- (b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Be interested in includes a financial interest held by an individual which is:

- (1) An ownership interest in a business;
- (2) A creditor interest in an insolvent business;
- (3) An employment or prospective employment for which negotiations have begun;
- (4) An ownership interest in real or personal property;
- (5) A loan or other debtor interest; or
- (6) A directorship or officership in a business.

The term "be interested in" does not include holding a minority interest in a corporation.

Business means a corporation, partnership, sole proprietorship, trust or foundation or any other individual or organization carrying on a business, whether or not operated for profit.

City officer means an elected or appointed officer of the city, but does not include an employee.

Compensation means any money, thing of value, or economic benefit conferred on or received by any person in return for services rendered or to be rendered by himself or herself or another.

Contract does not include:

- (1) Contracts awarded to the lowest responsible bidder based on competitive bidding procedures.
- (2) Merchandise sold to the highest bidder at public auctions.
- (3) Investments or deposits in financial institutions which are in the business of loaning or receiving monies.
- (4) A contract with an interested party if, because of geographic restrictions, the city could not otherwise reasonably afford itself of the subject of the contract. It shall be presumed that the city could not otherwise reasonably afford itself of the subject of a contract if the additional cost to the city of using a noninterested party is greater than ten percent of a contract with an interested party or if the contract is for services that must be performed within a limited time period and no other contractor can provide those services within that time period.

- (5) A contract with respect to which any city officer or employee has disclosed a personal interest and has not voted thereon and which appropriate approving body or person has approved in accordance with subsection (f) of this section. All disclosures shall be made in writing to the appropriate approving body or person.

Employee means any temporary or permanent employee of the city, except an employee under contract to the city.

Official act or official action means a vote, decision, recommendation, approval, disapproval or other action, including inaction, which involves the use of discretionary authority.

- (c) *Interest in sales or purchases.* City officers and employees shall not be purchasers at any sale or vendors at any purchase made or authorized by them in their official capacity.
- (d) *Voidable contracts.* Every contract made in violation of subsections (a), (b) and (c) of this section shall be voidable at the instance of any party to the contract, except the officer or employee interested therein.
- (e) *Dealings in warrants and other claims prohibited.* City officers, their deputies and clerks are prohibited from purchasing or selling or in any manner receiving to their own use or benefit or to the use or benefit of any person whatever any state, county, city and county, city or town warrants, scrip, orders, demands, claims or other evidences of indebtedness against the state or any county, city and county, town or city thereof, except evidences of indebtedness issued to or held by them for services rendered as a member of city council and evidences of the funded indebtedness of such state, county, city and county, city or town.
- (f) *Disclosure.* A city officer or employee who has an interest in any contract with the city shall disclose such interest to the appropriate approving body or person who approves the contract pursuant to section 2-672 and shall refrain from attempting to influence the approval of the contract. If the disclosed interest is with a city councilmember, he or she shall not vote thereon. The contract shall be approved pursuant to the award limits of section 2-672. The city council may authorize any contract upon finding a compelling reason despite any provision of subsections (a) and (b) of this section.
- (g) *Withholding of settlements.* The following procedure shall be followed if it is believed an officer of the city or employee has violated any provision of this section:
- (1) The city attorney, upon being informed by affidavit establishing probable cause that any city officer or employee has violated any of the provisions of this section, shall recommend to the director of finance that settlement or payment be ceased. The city attorney shall report such officer or employee to the district attorney of the appropriate jurisdiction for investigation for the purpose of prosecution. During the district attorney's investigation, action may be taken against the officer or employee pursuant to city council rules or the city's personnel policies and procedures.
 - (2) If there is judgment for the defendant upon such prosecution, the director of finance may proceed to settle, audit or pay such account as if no such affidavit had been filed.
 - (3) If there is a conviction or a plea of guilty or nolo contendere, the appropriate action shall be taken against the officer or employee pursuant to the city council rules or the city's personnel policies and procedures. The officer or employee shall forfeit to the city any compensation from the contract.
- (h) *Gifts or rebates.* Every city officer and employee is expressly prohibited from seeking or accepting, directly or indirectly, from any person to which any purchase order or contract is or might be awarded any rebate, gift or money, except as provided for in the city's personnel policies and procedures manual or given for the use and benefit of the city as approved by the city manager or his or her designee.
- (i) *Standards of conduct.* Every city officer and employee is expressly prohibited from knowingly:

- (1) Underestimating or exaggerating requirements to certain prospective bidders for the purpose of influencing bids.
- (2) Misrepresenting competitor's prices, quality or service to obtain concessions.
- (j) *Unauthorized purchases.* Except as provided in this section, it shall be unlawful for any city officer or employee to order the purchase of any supplies or make any contract within the purview of this article other than through the purchasing and contract services division. This shall not serve as the basis for civil liability of the city or any of its officers or employees.

(Code 1979, § 2-184)

Sec. 2-669. - Adequate funding required.

No funded purchase order or contract shall be awarded until an authorized written request has been signed by the funding department and authorized by the appropriate deputy city manager if the amount is over \$25,000.00. Every purchase order or contract is subject to the appropriation of necessary funds by the city council on an annual basis, notwithstanding automatic renewal clauses or any other provisions extending the purchase or contract beyond the calendar year in which it is executed.

(Code 1979, § 2-185)

Sec. 2-670. - Formal competitive bidding and requests for proposal.

- (a) *Purchase orders and contracts.* Purchase orders and contracts, except as otherwise provided in this article, with an estimated cost in excess of \$25,000.00, shall be awarded through formal, written bid or negotiated requests for proposals procedures.
- (b) *Bid/solicitation time.* The city shall allow a reasonable time for bidders/offerors to review the bid/request for proposal documents, and examine the job site prior to the deadline for submission of bids or offers. Absent of special circumstances, a minimum of two weeks shall be allowed for this process.
- (c) *Notice inviting bids.* The director of internal services shall adopt regulations for providing reasonable notice for bid invitations and requests for proposals.
- (d) *Bid deposits.* When deemed necessary by the purchasing manager, bid bonds or deposits may be required. If the bid is not accepted or a bidder is unsuccessful, bid deposits shall be returned. When a purchase order or contract is awarded and the successful bidder fails to enter into a contract within ten days after the date of the notice of award, the deposit or bid bond shall be forfeited.
- (e) *Bid opening/proposal submissions.*
 - (1) *Bid opening for competitive bids.*
 - a. Bids shall be submitted sealed and shall be identified as bids on the envelope. Should the city elect to require bids electronically, the system will be designed to employ electronic lock boxes that prevent access by anyone until after the bid opening time and date. The locked bids will be linked to the bid number assigned by the city ensuring the clear identity of each bid.
 - b. Bids shall be opened in public at the time and place stated in the public notice, unless all bidders are notified of a change by written addendum. When electronic bid systems are employed, information about the bid results will be immediately displayed electronically and accessible to all bidders.
 - c. A tabulation of all bids received shall be available for public inspection either in hard copy or electronically in the event an electronic system is being used to tabulate the bids.

(2) *Submission for request for proposal.*

- a. Proposals shall be submitted sealed and shall be identified as proposals on the envelope if sent through the mail. Should the city elect to require proposals electronically, the system will be designed to employ electronic lock boxes that prevent access by anyone until proposals will be linked to the request for proposal number assigned by the city ensuring the clear identity of each proposal.
 - b. Proposals shall be opened so as to avoid disclosure of contents to competing offerors, and evaluated based on the criteria and process identified in the solicitation document. Should the city elect to require proposals electronically, the lock boxes will provide the same disclosure protection, and the evaluation process remains unchanged.
 - c. Proposals shall be available for public inspection upon request after contract award.
- (f) *Rejection of bids or proposals.* Any or all bids, proposals, or parts thereof may be rejected when the public interest will be served thereby. A statement of the reasons for such rejection shall be prepared by the purchasing manager and reviewed by the director of internal services and the city attorney's office.
- (g) *Bid bond or performance and payment bond default.* Sureties who have defaulted on bid bonds or performance and payment bonds may be disqualified from submitting such bonds on future contracts. No surety shall be disqualified until an opinion regarding such has been obtained from the city attorney.

(Code 1979, § 2-186; Ord. No. 95-53, exhibit A (§ 2-186(b)), 9-11-95; Ord. No. 2000-138, § 1, 12-18-2000; Ord. No. 2002-19, § 1, 4-29-2002; Ord. No. 2012-30, § 3, 7-19-2012)

Sec. 2-671. - Awards to lowest responsive bidder or most advantageous proposal (best value).

Contracts for the purchase of supplies, services, and construction shall be awarded to the lowest responsive bidder or most advantageous proposal as specified by project in the request for proposal for each project except as otherwise provided in this article. Among the factors to be considered in determining the lowest responsive bidder are the following:

- (1) *Value analysis.* Awards shall be made in the best interests of the city as determined by a prudent value analysis, including but not limited to:
- a. *Capability.* The ability, capacity and skill of the bidder to perform the contract or furnish the supplies required and sufficiency of financial resources and ability of the bidder to perform the contract or furnish the supplies.
 - b. *Timeliness.* Whether the bidder can perform the contract or furnish the supplies promptly or within the time specified, without delay or interference.
 - c. *Previous performance.* The character, integrity, reputation, judgment, experience and efficiency of the bidder.
 - d. *Quality.* The quality of supplies or performance on previous purchases or contracts, including known quality based on previous use, and the quality, availability and adaptability of the supplies or contractual services to the particular use required.
 - e. *Legal compliance.* Previous and existing compliance by the bidder with laws and ordinances relating to the contract or services.
 - f. *Conditions.* The number and scope of conditions attached to the bid by the bidder.
 - g. *Services.* The availability, accessibility and cost of repair or replacement parts and the ability of the bidder to provide future maintenance and service.
 - h. *Value.* The cost as determined by relevant formulae based on the efficiency, life cycle or other relevant data of the items to be purchased.

- i. *Inquiry into responsiveness of bid.* The unreasonable failure of a bidder to promptly supply information in connection with an inquiry with respect to responsiveness may be grounds for a determination of nonresponsiveness with regard to such bidder.
- (2) *Tie bids.* Tie bids shall be awarded by drawing lots in public, except that if bids received are for the same total amount or unit price and the quality and services, as described in subsection (1) of this section, are equal, the contract shall be awarded to a bidder having a place of business in the City of Aurora.
- (3) *Award to other than low bidder (sealed bid process).* When using a competitive sealed bid process and it appears appropriate not to make the award to the lowest dollar bidder, because the lowest dollar bidder is nonresponsive, a full and complete statement and documentation of the reasons shall be prepared by the purchasing manager and reviewed by the director of internal services and the city attorney's office.
- (4) *Award to the most advantageous proposal (negotiated request for proposal).* Each request for proposal shall define the method of evaluation to be used to select the most advantageous proposal. The factors to be considered in determining the most advantageous proposal shall include but not be limited to the following:
 - a. Technical ability;
 - b. Previous experience and performance;
 - c. Qualifications of personnel;
 - d. Ability to meet schedule; and
 - e. Price.

(Code 1979, § 2-187; Ord. No. 2000-138, § 2, 12-18-2000; Ord. No. 2012-30, § 4, 7-9-2012, eff. 8-18-2012)

Sec. 2-672. - Authority to make awards.

- (a) Authority to award a contract or purchase order under this article shall be as follows:
 - (1) *Contracts and purchase orders for less than \$25,000.00.* For purchase orders or contracts of less than \$25,000.00, the award shall be authorized by the purchasing manager or designee.
 - (2) *Contracts and purchase orders for at least \$25,000.00 but less than \$50,000.00.* For purchase orders or contracts of at least \$25,000.00 but less than \$50,000.00, the award shall be authorized by the city manager or designee. A report of actions that includes those transactions from \$25,000.00 to \$50,000.00 will be forwarded to the council prior to award. If council approval is desired, a councilmember will notify the city manager and the item will be placed on the council agenda.
 - (3) *Contracts and purchase orders for at least \$50,000.00 but less than \$2,000,000.00.*
 - a. For purchase orders or contracts of at least \$50,000.00 but less than \$2,000,000.00 for which formal competitive bidding, or competitive proposals have been required, the award shall be authorized by the city manager or designee, provided that all of the following conditions have been met:
 - 1. The lowest responsive bidder for competitive bidding, or most advantageous offer for competitive proposals has been selected.
 - 2. Formal competitive solicitation procedures have resulted in at least three responsive bids, or offers; and
 - 3. No bid protest has been received by the director of internal services.

A report of all such actions will be forwarded to the council prior to award. If council approval is desired, a council member will notify the city manager and the item will be placed on the council agenda.

- b. For all other negotiated purchase orders or contracts of at least \$50,000.00 but less than \$2,000,000.00 which were not subject to any open, public, solicitation process; and for all purchase orders or contracts of at least \$50,000.00 but less than \$2,000,000.00 for which formal competitive bidding is required but which have not met the conditions set forth in subsection (a) above, the award shall be authorized by city council.

(4) *Extensions of existing competitively solicited contracts.*

- a. When a vendor/contractor offers to extend an existing competitively solicited contract under the same conditions of the original contract at the same or lower price in accordance with subsection 2-674(2), the award shall be authorized by the city manager or designee when the base award has met the conditions set forth in subsection (3)a. above. Funding shall have been appropriated in the annual budget for such contract.
- b. Such actions shall be included in the report of actions in accordance with subsection (3)a. above.

(5) *Contracts and purchase orders for \$2,000,000.00 or more.* For purchase orders or contracts of \$2,000,000.00 or more, the award shall be authorized by the city council.

(6) *Construction contracts.* For construction contracts only, the award amount includes both the contract amount plus the contingency amount that is to be encumbered at the time of award.

- (b) The director of internal services or designee shall have the authority to execute, on behalf of the city, all contracts and purchase orders awarded pursuant to this section.

(Code 1979, § 2-188; Ord. No. 98-4, § 1, 3-2-98; Ord. No. 2000-138, § 3, 12-18-2000; Ord. No. 2001-27, § 3, 6-11-2001; Ord. No. 2002-79, § 1, 1-6-2003; Ord. No. 2012-30, § 5, 7-9-2012, eff. 8-18-2012)

Sec. 2-673. - Informal bidding.

The purchasing manager shall establish procedures for using solicitations to award purchase orders and contracts when the estimated cost is less than \$25,000.00.

(Code 1979, § 2-189; Ord. No. 2000-138, § 4, 12-18-2000)

Sec. 2-674. - Negotiated "non-competitive" purchases.

Purchase orders and contracts in any amount may be awarded on a noncompetitive basis in one or more of the following cases when the purchasing manager approves the use of negotiation as a means to procure the goods and services prior to award. Authority to award negotiated purchases shall be in accordance with the limitations established in section 2-672, except as stated in subsection (3) of this section.

- (1) *City share contracts.* City share contracts which include contracts with developers for the construction of public improvements whereby the city shares in the cost of construction as may be required by this Code or as the result of an annexation agreement or a similar agreement in kind or a determination is made that it is in the best interest of the city to share in the cost. The city reserves the right to be present at the bid opening, to inspect all bids received by the developer and for good cause to reject such bid. Additionally, the city reserves the right to perform or contract for the work to be accomplished.

- (2) *Extension of existing competitively solicited contract.* A vendor/contractor offers to extend an existing competitively solicited contract under the same conditions of the original contract, and at the same or lower price, and such extension is in the best interest of the city and is in accordance with the solicitation document. As used in this subsection, the term "price" may be deemed "the same or lower" if the price from the previous contract will be increased in the extension only in an amount equal to an inflationary factor as determined by acceptable indices or criteria.
- (3) *Used, discontinued, unique purchases.* Used, discontinued or otherwise unique equipment or commodities which become available or are offered only for a limited time and may be acquired below the cost of similar new or regular items. The city manager or his or her designee shall have the authority to award purchase of used, discontinued or unique equipment or purchases with a report of such purchases above \$25,000.00 to be forwarded to the council prior to award. If council approval is desired, a councilmember will notify the city manager and a review of the item will be placed on a council agenda.
- (4) *Service on existing equipment.* It is to the city's advantage to obtain parts, repair or service on existing equipment from a local factory-authorized dealer or distributor.
- (5) *Perishable supplies.* Supplies that are perishable or cannot be purchased by ordinary procedures because of imminent spoilage or decay.
- (6) *Reduced total cost.* Closer location, more advantageous time allowances or similar variable factors can reduce the total cost of the product or service.
- (7) *Standardization.* Standardization of parts, modules, accessories or additions will minimize excessive inventory or maintain compatibility with existing furnishings or installations.
- (8) *Lack of specifications or testing.* It is not feasible to prepare definite, certain and precise written specifications or testing is desired to better define requirements.
- (9) *No response.* Formal competitive bidding procedures have failed to provide sufficient responsive bidders.
- (10) *Sole source.* Only one specific source is known to exist for the required supplies or services (sole source).
- (11) *Priority.* In order to reduce down time of procuring equipment and contracts when circumstances warrant, purchase orders may be negotiated with selected vendors or contractors.
- (12) *Exceptions to purchasing.* Exceptions identified in purchasing and procedures letter 1-3 promulgated pursuant to section 2-3, rules and regulations, are not subject to standard purchasing procedures.

(Code 1979, § 2-190; Ord. No. 2000-138, § 5, 12-18-2000; Ord. No. 2012-30, § 6, 7-9-2012, eff. 8-18-2012)

Sec. 2-675. - Emergency purchases.

In an apparent emergency which requires immediate purchase of supplies, services, or award of a construction contract, change order or amendment, regardless of cost, the city manager or the deputy city manager of administrative services shall be empowered to authorize the director of internal services to procure such emergency needs as expeditiously as possible considering cost and other factors. The circumstances necessitating immediate action shall be fully documented in the city manager's report to the council, except where the immediate action does not require expenditure in excess of \$50,000.00.

(Code 1979, § 2-191; Ord. No. 2005-75, § 1, 10-10-2005; Ord. No. 2012-30, § 7, 7-9-2012, eff. 8-18-2012)

Sec. 2-676. - Change orders and amendments.

- (I) (a) The term "change order" shall apply to any modification of an existing contract with the exception of any modification of an existing professional service contract.
- (b) The term "amendment" shall apply only to any modification of an existing professional service contract.
- (II) (a) May not exceed appropriations. In no event shall any change order or amendment be approved where such change order or amendment would increase the total contract cost to an amount exceeding the funds appropriated by the city council.
- (b) Authority to approve change orders and amendments. Subject to the limitation set forth in subsection (II)(a), authority to approve change orders and amendments shall be as follows:
 - (1) Change orders and amendments for less than \$25,000.00. For change orders and amendments of less than \$25,000.00, by the purchasing manager or designee, as long as such approval does not cause the cumulative total of all change orders and amendments to a contract to exceed \$100,000.00.
 - (2) Change orders and amendments for at least \$25,000 but less than \$100,000. For change orders and amendments of at least \$25,000.00 but less than \$100,000.00, by the city manager or designee, as long as such approval does not cause the cumulative total of all change orders and amendments to a contract to exceed \$100,000.00. A report of actions from \$25,000 to \$100,000 will be forwarded to the council prior to approval. If council approval is desired, a councilmember will notify the city manager and the item will be placed on the council agenda.
 - (3) Change orders and amendments that would cause the total amount of change orders and amendments to a contract to exceed \$100,000. Any change order or amendment, regardless of amount, that would cause the cumulative total of all change orders and amendments to a contract to exceed \$100,000.00 may only be approved by city council.
 - (4) Construction and design-build contracts. The above change order requirements shall not apply to the construction and design-build contracts for work required to complete the project. City council approval shall be required on change orders that would cause the cumulative amount of change orders to exceed the contingency awarded by city council. Change orders issued within the contingency amount will be reported to city council in the "purchasing services weekly report of actions".
- (c) Administrative orders. Change orders and amendments that are administrative in nature, such as a decrease in cost, change in performance time, etc., may be approved by the purchasing manager or designee.
- (d) Request by councilmembers. Any councilmember can request that any change order or amendment be submitted for full council review and approval.
- (e) Authority to execute change orders and amendments. The director of internal services or designee shall have the authority to execute on behalf of the city all change orders and amendments approved pursuant to this section.

(Code 1979, § 2-192; Ord. No. 98-4, § 2, 3-2-98; Ord. No. 2000-138, § 6, 12-18-2000; Ord. No. 2001-27, § 4, 6-11-2001; Ord. No. 2004-74, § 1, 12-6-2004; Ord. No. 2005-75, § 2, 10-10-2005; Ord. No. 2010-41, § 1, 11-8-2010; Ord. No. 2012-30, § 8, 7-9-2012)

Sec. 2-677. - Inspection and testing.

The purchasing manager shall have the authority to require chemical and physical tests of commodities or construction work to determine the quality and conformance with specifications pursuant to this article.

(Code 1979, § 2-193; Ord. No. 2000-138, § 7, 12-18-2000)

Sec. 2-678. - Surplus stock.

- (a) *Department authority.* Departments may sell, trade or transfer fixed assets no longer needed in their departments to other city departments for their official use. Proceeds from any sales to other city departments would be reimbursed to the selling department's capital outlay accounts.
- (b) *Reports of surplus stock.* Departments shall submit to the purchasing manager, at such times and on such forms as prescribed, reports showing stocks of all commodities or fixed assets which are no longer used or sold or traded to another department or which have become obsolete, worn out or scrapped.
- (c) *Transfer to other departments.* The purchasing manager shall have the authority to transfer surplus stock to other departments.
- (d) *Sale of surplus stock.* The purchasing manager shall have the authority to sell all commodities which have become unsuitable for public use or to exchange such for or trade in such on new commodities. Sales shall be made to the highest responsive bidder as prescribed in section 2-670 of this article. Such sales shall be preceded by a formal advertisement either electronically or in a newspaper if the total estimated sale of items exceeds \$10,000.00.
- (e) *Auction or written bids.* Sale by public or electronic auction may be used in lieu of acceptance of written bids.
- (f) *Sale other than by bid or auction.* Surplus items may be sold, based on a price equal to or higher than past bid or auction prices for similar items, if the best interests of the city are served. The sale price must be approved by the city manager or designee.
- (g) *Donations.* Items with an estimated value of \$500.00 or less may be donated to charitable or nonprofit organizations with approval of the purchasing manager. Items with an estimated value of over \$500.00 may be donated to charitable or nonprofit organizations with approval of the city manager or his or her designee. The city manager shall notify the city council of the intent to donate an item with a value over \$500.00 no less than ten days prior to the transfer of title.

(Code 1979, § 2-194; Ord. No. 2000-138, § 8, 12-18-2000; Ord. No. 2012-30, § 9, 7-9-2012, eff. 8-18-2012)

Sec. 2-679. - Cooperative purchasing and contracting.

The purchasing manager shall have the authority to join with other units of government in cooperative purchasing and contracting plans when the best interests of the city would be served thereby.

(Code 1979, § 2-195; Ord. No. 2000-138, § 9, 12-18-2000)

Sec. 2-680. - Mandatory requirements in city contracts.

Every contract executed by the city shall contain the following to be complied with by the person or entity entering into the contract with the city:

- (1) *Compliance with laws.* The contracting party shall comply with applicable federal, state and local statutes, ordinances, rules, regulations and standards pertaining to safety, whichever is more restrictive.
- (2) *Performance and payment bonds.* A bond for the proper performance of any contract as authorized by C.R.S. § 24-105-202, as amended, may be required. The form and legal sufficiency of a bond shall be subject to the approval of the city attorney. For contracts which do not exceed \$25,000.00, the purchasing manager may waive the requirement of a performance or payment bond. The city may be liable for the payment of any valid liens claimed, when it awards a contract without bond requirements, in an amount equal to the contract amount, but not to exceed \$25,000.00.
- (3) *Equal opportunity.* The contracting party shall commit to compliance as an equal opportunity employer.
- (4) *Insurance.* The contracting party shall provide evidence of worker's compensation coverage, comprehensive general liability insurance and professional errors and omissions insurance, as described in this section. The required insurance will be considered primary and, for loss covered by such insurance, such insurance shall first be exhausted before any other insurance or funds are applied to pay the loss.
- (5) *General liability insurance.* The contracting party shall carry a comprehensive general liability insurance policy, including broad form property damage, completed operations and broad form contractual liability.
- (6) *Automobile liability insurance.* The contracting party shall carry a comprehensive automobile liability insurance policy including coverage for all owned motor vehicles and hired or nonowned vehicles used in the performance or the purchase order or contract.
- (7) *Professional liability insurance.* The contracting party providing engineering or architectural and design services to the city shall provide evidence of professional liability insurance.
- (8) *Factors determining sufficiency of insurance.* The risk manager, will set the amount and conditions of required insurance and the following factors shall be applied:
 - a. The risk or loss involved in performance of the contract.
 - b. Terms of the contract.
 - c. The cost of the project.
 - d. Known conditions at the site of the project which increase risk.
 - e. Complexity of the project.
 - f. Any other factor which may be considered in accordance with good risk management policy.
 - g. Necessity for making the city an additional named insured on any policy.

(Code 1979, § 2-196; Ord. No. 2000-138, § 10, 12-18-2000; Ord. No. 2012-30, § 10, 7-9-2012, eff. 8-18-2012)

Sec. 2-681. - Report to city council.

The purchasing manager shall submit a weekly report of purchasing and contracting activities to the city council. The report shall include information on competitively solicited purchase orders and contracts under \$2,000,000.00 that meet the requirements set forth in 2-672(a)(3)a. and all other purchase orders and contracts under \$50,000.00 during the reporting period. The weekly report shall also include non-construction contract change orders and amendments of less than \$100,000.00 and construction contract change orders in any amount that are within the previously approved contingency during the reporting period.

(Code 1979, § 2-197; Ord. No. 2012-30, § 11, 7-9-2012, eff. 8-18-2012)

Sec. 2-682. - Minority, women and small business enterprise participation.

- (a) The city manager or his or her designee shall have the authority to establish and administer a minority, women, Aurora small business, and small business enterprise program. The city manager or his or her designee shall develop policies and procedures which are designed to implement this program.
- (b) The city manager or his or her designee shall utilize metropolitan as well as national resources in establishing this program.

(Code 1979, § 2-198; Ord. No. 2012-30, § 12, 7-9-2012, eff. 8-18-2012)

Sec. 2-683. - Longterm rental and leaseholds.

In recognition of the home rule powers granted unto certain municipal corporations within the state by section 6 of article XX of the state constitution, the city council enacts this section with the intention of superseding the provisions found in C.R.S. § 31-15-801 relating to longterm rentals and leaseholds. The city council declares that any longterm rentals and leaseholds may be accomplished by action of the city council without the necessity of passage of an ordinance. Such longterm rentals and leaseholds may, at the discretion of the city, exceed 30 years.

(Code 1979, § 2-199)

Sec. 2-684. - Confidential police department contracts.

- (a) The chief of police or his or her designee shall have the authority, subject to the approval of the city manager or his or her designee, to enter into contracts for the purchase and sale of supplies, services and commodities and to enter into real estate contracts relating to rentals and leaseholds on behalf of the police department when the nature of those sales, purchases and real estate contracts require that confidentiality be maintained. To the extent any of the requirements contained in this article would thwart the police purposes due to the confidential nature of the contract or, due to the need for prompt action, the police department is expressly exempted from the requirements of this article. All such contracts shall be subject to legal review by the city attorney's office prior to execution and to the extent practicable, with maximum economy to the city.
- (b) The chief of police or his or her designee shall keep records of any and all expenditures of city funds under this section, which records shall be maintained according to generally accepted accounting principles and shall be audited at least once per year.

(Code 1979, § 2-201; Ord. No. 2012-30, § 13, 7-9-2012, eff. 8-18-2012)

Sec. 2-685. - Use of pilot programs.

Notwithstanding the requirements of this chapter, the city manager shall have authority to implement pilot programs for various procurement processes upon receiving an authorization to proceed on a specific process from the city council. Such authorization may be given by city council at study session. The pilot programs shall be for opportunities for the city to evaluate savings through new streamlined or more effective and efficient procurement processes. This authority will support the testing of new procurement processes that have the potential of saving the city in time, effort, or actual monetary amounts. Each approved program will contain an automatic sunset provision with a date specific for expiration.

(Ord. No. 2011-46, § 1, 12-19-2011)

Sec. 2-686. - Obsolete or unusable property.

Sales of obsolete or unusable property with an estimated cumulative value in excess of \$10,000.00 shall be sold through formal written bid or by public auction, to the highest responsible bidder, after due notice inviting bids, except when a negotiated price may be based on a price higher than past bid or auction as set forth in section 2-678.

(Ord. No. 2012-30, § 14, 7-9-2012, eff. 8-18-2012)

Secs. 2-687—2-720. - Reserved.

**ORDINANCE NO. 9
SERIES 2018**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON,
COLORADO, AMENDING CHAPTER 2.20, PURCHASING POLICY AND
PROCEDURE, OF THE CITY OF GUNNISON MUNICIPAL CODE.**

WHEREAS, Article XI, Section 11.8, of the City of Gunnison Municipal Home Rule Charter provides that “The Council shall establish by ordinance the procedure for entering into contracts for purchases and contracts for construction of public works...”; and

WHEREAS, in consultation with the City Attorney, the City Manager and Director of Finance have recommended to the City Council certain revisions to Chapter 2.20, Purchasing Policy and Procedure, of the City of Gunnison Municipal Code, which revisions the City Council wishes to adopt; and

WHEREAS, C.R.S. 38-26-105 requires a payment bond for contracts for more than \$50,000; and

WHEREAS, C.R.S. 38-26-106 requires a performance bond for contracts for more than \$50,000 for at least fifty percent (50%) of the contract amount; and

WHEREAS, C.R.S. 8-17-101, requires Colorado labor to be employed to perform at least 80% of the work for a public works project exceeding \$50,000, unless waived by the City;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GUNNISON,
COLORADO, ORDAINS THAT:**

Chapter 2.20 of the City of Gunnison Municipal Code is hereby amended to read as follows:

2.20.010 – Definitions

- A. “Change Order” means work that is added to or deleted from the original scope of work of a contract, however, depending on the magnitude of the change, it may or may not alter the original contract amount and/or completion date.
- B. “Cooperative Purchasing” involves sharing procurement contracts between governments. Cooperative procurement contracts are usually based on the common requirements of multiple governments. There are several types of cooperative purchasing arrangements, but the type the City will use the majority of the time will be so-called “piggyback options”. These occur when one or more organizations represent their requirements and include an option for other organizations to “ride” or “bridge” the contract as awarded.
- C. “Emergency Conditions” means situations in which the health, welfare, and/or safety of employees or the public are endangered. This includes those instances when immediate repair to City property, equipment, or vehicles is necessary under the

circumstances mentioned above.

- D. “Invitation for Bid (IFB)” means a “formal” bid that may require advertising, bonds, and sealed bids. The department head or designee is responsible for the bid package and vendor eligibility. The specifications, delivery requirements, plans, drawings, and other items must be determined and finalized prior to the bid package being provided. Eligibility may be determined from a pre-qualification process, general advertising of project, or any other method deemed appropriate.
- E. “Liquidated Damages” is a contractual clause where the City can collect as compensation upon a specific breach (e.g., late performance).
- F. “Payment Bond” is a type of bond covers a percentage of the contract amount. A claim on a performance bond can be used to perform unfinished work or defective work on a project.
- G. “Petty Cash Fund Administrator” is the employee responsible for administering a petty cash fund.
- H. “Performance Bond” is a type of bond designed to provide security to subcontractors and materials suppliers to ensure payment for their work, labor and/or materials on the project.
- I. “Public Works Project” is a contract of the City for the construction, alteration, repair, or maintenance of any building, structure, highway, bridge, viaduct, pipeline, public works, real property as defined in section 24-30-1301(15) of the Colorado Revised Statutes, or any other work dealing with construction, which includes, but need not be limited to, moving, demolition or excavation performed in conjunction with such work.
- J. “Professional Services” are services within the scope of the practice of architecture, consulting, engineering, professional land surveying, legal counsel, financial advisers, banks, or other service type industry.
- K. “Request for Proposal (RFP)” is a process used to acquire supplies and services that involves the review of written proposals and the use of negotiations with the most qualified bidder(s). This process may also include the use of a Request for Qualifications (RFQ) as a preliminary step to the RFP process in an attempt to gather information and pre-qualify prospective bidders.
- L. “Request for Qualification (RFQ)” is a process used to identify qualified providers of specified services to be used in the RFP process.
- M. “Requesting Department” mean the department asking to purchase goods or services to be used for City business.

- N. “Retainage” means a portion of the agreed upon contract price deliberately withheld until the work is substantially complete to assure that contractor or subcontractor will satisfy its obligations and complete a construction project. Once work is deemed satisfactory, the retainage is released.
- O. “Sole Source Purchase” is procurement of goods or services can only be obtained from a single supplier capable of meeting all specifications and purchase requirements or when it is in the City’s best interests.
- P. “Voucher” is a source document that serves as evidence of some expenditure of the City of Gunnison with appropriate authorization, and substantiates issuance of an accounts payable check or an electronic funds transfer.

2.20.020 – Policy Objectives

The purpose of this purchasing policy is to establish standards for all purchasing activity and procurement procedures. The objectives of the policy are to:

- A. Provide for the fair and impartial treatment of persons involved in public purchasing by the City of Gunnison.
- B. Procure goods and services at the lowest possible cost with the quality needed for effective use.
- C. Minimize or eliminate disruptions in operations resulting from the lack of material, equipment, or supplies.
- D. Avoid duplication, waste, and obsolescence with respect to the procurement of goods and services.
- E. Provide appropriate budgetary and fiscal control over all municipal expenditures.
- F. Comply with the Colorado Revised Statutes, as amended and as applicable.
- G. Provide a uniform procedure for the purchase of materials, equipment, and services.
- H. Purchase goods and services from local vendors, using local preference as stated in GMC 2.20.120, when their goods and services are economically competitive and their quality is comparable to other goods and services.
- I. Require all vendors and other suppliers to fulfill all terms and conditions of contracts and other purchasing agreements.

J. Secure all applicable federal and state tax exemptions appropriate to purchase or contracts for services.

K. Assure applicability to all city departments, including elected offices.

2.20.030 – Roles & Responsibilities

A. Purchases are initiated by the various departments of the City. Their primary responsibilities include the following:

- 1) Ensure all employees involved in the procurement process are familiar with purchasing policies and procedures.
- 2) Anticipate purchasing requirements.
- 3) Ensure adequate funds are available for purchases of goods and services and are specifically included in the budget.
- 4) Provide all contracts, agreements, and legal instruments to the City Clerk's office as official custodian.
- 5) Take appropriate steps to ensure goods and services are purchased from qualified vendors in an efficient and effective manner.
- 6) Obtain appropriate approvals throughout the purchasing process, with adequate supporting documentation, and ensure the appropriate budget line item is charged in the accounting system.
- 7) Ensure materials received and the quality of work or services rendered meet the purchasing/contract terms before approving payment.
- 8) Strive to maintain good relations with the City's vendors.

B. The Finance Department is responsible for administration of the purchasing policy. Its primary responsibilities include the following:

- 1) Maintain the City's accounting system to ensure spending authorization limits pursuant to the approved budget and approval paths are current.
- 2) Implement procedures to help ensure City staff complies with this purchasing policy.
- 3) Issue checks to vendors in a timely manner and maintain accounts payable records.

- 4) Prescribe and maintain such forms as the Finance Director shall find reasonable and necessary to implement and support the purchasing procedures contained within this policy.

2.20.040 – Summary of Purchasing Thresholds

The minimum thresholds as referenced in this purchasing policy are identified below. The City Manager or Department Directors have the discretion to include more stringent thresholds on a case-by-case basis. Thresholds are subject to other provisions and exceptions as enumerated in the applicable subsequent sections of the Purchasing Policy.

A. Signature Authority for Purchases Included in the Budget

Department Director	\$0 - \$25,000
City Manager	\$25,001 - \$50,000
City Council	Greater than \$50,000

B. City Attorney Review

City Standard Contract Form	\$0 - \$25,000
Specific City Review	Greater than \$25,000

C. Competitive Bidding

Buyer's Best Judgement	\$0-\$5,000
Informal Purchase	\$5,001-\$25,000
Formal Purchase	Greater than \$25,000

D. Bid Bond for Public Works Contracts

5% of the estimated project cost	\$100,000 - \$500,000
10% of the estimated project cost	Greater than \$500,000

E. Performance Bond for Public Works Contracts

50% of the contract amount	Greater than \$50,000
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F. Payment Bond for Public Works Contracts

50% of the contract amount	Greater than \$50,000
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G. Retainage for Public Works Contracts

5% of the contract amount	Greater than \$150,000
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H. Local Preference

10% of the bid amount	\$0 - \$250,000
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3% of the bid amount	Greater than \$250,000
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I. Sole Source Approval

Finance Director	\$0 - \$25,000
City Manager	Greater than \$25,000

2.20.050 – Approval Authority

- A. Approval authority is granted on an individual basis. The various approval thresholds related to this policy are identified in GMC 2.20.040:
- B. The Finance Department shall keep a current list of designated staff authorized to approve City expenditures. The list shall include the full signature and initials of each authorized individual and the authorization level granted to that individual along with the authorized employee delegating authorization where applicable. It is each department's responsibility to update these signatures when staff changes occur. No purchase shall be divided to circumvent the above approval levels.
- C. Directors may request additional approval levels less than those in the table above to reflect intradepartmental procedures, but such requests are subject to approval by the Finance Director and will be implemented only to the extent the City's purchasing system is able to support any such requests.
- D. When a Director is out of the office, he/she may designate a staff member to approve vouchers/invoices in their absence up to the level of the Director's approval authority. Such designation shall be in writing (or via email) and provided to the Finance Director.
- E. Members of the City Council and advisory boards and commissions are required to comply with the terms of this policy and may not commit City funds except as provided for by this policy or by formal action of the City Council.

2.20.060 – Petty Cash

With the exception of the petty cash fund in the Finance Department, a petty cash fund may not be used to pay for purchases. Petty cash funds within other departments may only be used to make change for customer transactions.

General controls for petty cash funds are as follows:

- A. New petty cash funds, or changes to amounts of existing funds, must be approved by the Finance Director.
- B. Petty cash must be kept in a locked box in a secure location.

- C. The Petty Cash Fund Administrator(s) is responsible for ensuring that the cash on hand equals the total authorized amount.
- D. The Finance Department or external auditors are authorized to verify that the cash on hand equals the total authorized amount at any time.

The process for a purchase using the Finance Department petty cash fund is as follows:

- A. Complete a Petty Cash Request Form, obtaining required approvals, in order to receive the amount needed for the purchase for an amount not exceeding \$40. Multiple requests/purchases may not be utilized to circumvent the \$40 limit. The Finance Director must approve amounts greater than \$40.
- B. Attach the invoice/receipt to the Petty Cash Request Form. The employee making the purchase is responsible for any shortfall when returning unused funds.
- C. The Finance Department shall issue a check to replenish the petty cash fund.

2.20.070 – Payment Requests

- A. Payment requests must be submitted on accounts payable vouchers as established by the Finance Director and include general ledger account coding and appropriate approvals based on the thresholds in GMC 2.20.040. Other requirements for payment requests are as follows:
 - 1) The voucher must include supporting documentation, which includes at least one of the following items:
 - Vendor invoice
 - Itemized receipt
 - Copy of approved City Council meeting minutes with a motion to make payment to a vendor
 - Properly executed contract or agreement that dictates payment to a vendor
 - Travel expense form
 - 2) If documentation needs to be included with the check to be sent to the payee, copy and attach the documents to the voucher for Finance to send to the vendor after the check is issued.

2.20.080 – Purchasing Cards

The City has issued purchasing cards to certain staff. Policy and procedures for use of these cards are addressed in a separate policy. All applicable portions of this purchasing policy apply to use of City purchasing cards. Split purchases with credit cards are not permitted if

they are made to circumvent this policy.

2.20.090 – Competitive Bidding

Competitive bids are required according to the thresholds identified in GMC 2.20.040. Depending on the nature of the product or service, bids are not necessarily awarded to the lowest bidder. For those situations where the low bid is not accepted, the basis for the award should be documented in writing and included in the documentation submitted with the voucher. Exceptions to the requirement for competitive bidding are prescribed in GMC 2.20.100 and 2.20.110.

- A. Bidder's List. Departments are encouraged, but not required, to maintain bidder's lists. All formal bids shall be advertised on the City's web site, and vendors should be encouraged to subscribe to the notification service provided on the site. Public notice may also include publication in the City's legal newspaper or a newspaper of general circulation.
- B. Types of Bids.
 - 1) Informal Purchase. A minimum of three informal written bids conforming to bid specifications shall be solicited prior to the purchase of any goods or entering into a contract for services. An informal written bid shall be a firm written price or quote for specific goods or services, which is valid for no less than 30 days. There is no requirement for notice.
 - 2) Formal Purchase. Formal Invitation for Bid (IFB) or Request for Proposals (RFP) shall be required. Request for bids shall be advertised in a newspaper of legal record and the City's website a minimum of 10 days prior to the date set forth for bid opening. All solicitations requiring contracts, bonds or insurance according to GMC 2.20.140 shall be reviewed by the City Attorney.
- C. Bid Evaluation. Bids shall be evaluated based on the requirements set forth in the bid package, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award shall be objectively measurable, such as discounts, transportation costs, and total for life cycle costs. The bid package sets forth the evaluation criteria to be used. No criteria may be used in bid evaluation that is not set forth in the bid package.
- D. Bid Security. Bid security in accordance with the thresholds in GMC 2.20.040 shall be required for all competitive sealed bidding for Public Works Contracts. Bid security shall be a bond provided by a surety company authorized to do business in this state, or the equivalent in certified funds, or otherwise supplied in a form satisfactory to the City. When the invitation for bid requires security, noncompliance requires that the bid be rejected.

- E. Colorado Labor. Contractors who are working under a Public Works Contract exceeding \$50,000 must meet the eighty percent (80%) Colorado labor requirements, unless waived by the City Council pursuant to the Colorado Revised Statutes.
- F. Award. The contract shall be awarded with reasonable promptness to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the bid package, unless the City Manager or his designee shall determine that the public interest will be better served by accepting a different bid. When the award is not given to the lowest bidder, a complete statement of the reasons for placing the order with another bidder shall be made available to all bidders upon request.
- G. Cancellation of Invitation for Bids. An invitation for bids or any other solicitation may be canceled, or any or all bids or proposals may be rejected in whole or in part as may be specified in the solicitation, when it is in the best interests of the City. The reasons therefore shall be put in writing and made part of the contract file.

2.20.100 – Formal/Informal Bid Exceptions

- A. Governmental Purchases. Purchases from federal, state or other local government units and purchases made through other governmental entities as may be authorized by ordinance or statute.
- B. Equipment and Compatibility. Equipment repairs and purchases where use of any other than specific vendors would result in incompatible component parts or would otherwise disrupt or impair services being provided.
- C. Single Vendor Availability. Sole source purchases may be made if it has been determined that there is only one good or service that can reasonably meet the need and there is only one vendor who can provide the good or service and is in the best interest of the City. If the requesting department believes use of a sole source provider is appropriate, documentation supporting this decision should be included with the voucher and approved by the department director. Sole source purchases must be approved according to the thresholds in GMC 2.20.040.

2.20.110 – Cooperative Purchasing

- A. City staff may use State of Colorado bids (solicited through the Bid Information and Distribution System), bids from the Multiple Assembly of Procurement Officials (MAPO), the General Services Administration (GSA) or Sourcwell (formerly National Joint Power Alliance) to get the benefit of the pricing available through those procurement systems. Similar organizations may be added to the above list with the approval of the Finance Director. While exempt from the formal bid process, these purchases are subject to the normal approval process. Depending on the nature of the product or service, bids are not necessarily awarded to the lowest cost vendor.

- B. Cooperative purchasing may also include the bidding like requirements with other governmental entities to purchase in quantities. This practice may sometimes be beneficial for all entities involved as it may result in lower per-unit costs, while still assuring bid requirements are met. When cooperative bidding is done, each entity shall supply its own requirements; however, one entity shall be chosen to administer the bid process. Bid awards are to be determined either on an individual basis or as a total, whichever is the most cost-effective to all bidders. Depending on the nature of the product or service, bids are not necessarily awarded to the lowest cost bidder.
- C. In accordance with Section 11.6 of the City of Gunnison Municipal Home Rule Charter, the Council may, by resolution or by ordinance, enter into contracts or agreements with other governmental units or special districts for the use of buildings, equipment, or facilities, and for furnishing or receiving commodities or services.

2.20.120 – Local Preference

It is the intention of the City of Gunnison whenever possible to use, without significant additional cost to the taxpayers, local businesses for the purchase of goods and supplies and all general services. The City intends to give local businesses an advantage in the bidding process according to the thresholds outlined in GMC 2.20.040 so that funds received from such contracts will be spent by the employees of local businesses in the local economy. For the purposes of this policy, a “local business” shall be defined as any business located or based in Gunnison County. A local business shall be awarded a contract if its bid is within the local preference percentage of the lowest responsible bidder who does not have the local business designation. In the event that the two lowest responsible bidders each have a local business designation, the lowest responsible bidder shall be awarded the contract. The provisions of the local preference shall be suspended if prohibited by an external source including, but not limited to, grantors, creditors, contractual agreements, or force of law. The provisions for local preference apply to consideration of cost only. Bids that include other requirements regarding product specifications, vendor qualifications, or other criteria based on the nature of the product or service, may not necessarily be awarded to the lowest cost bidder.

2.20.130 – Change Orders

If a change order increases the dollar amount of the purchase above the approval level of the approver of the purchase, additional approval will be required based on the thresholds in GMC 2.20.040.

2.20.140 – Contract Terms/City Attorney Review

- A. Term. All service contracts must specifically state the term of the contract and the options for renewing the contract (if applicable) beyond the original term. In no case shall any service contract have an indefinite term. Generally, contracts should begin and end within the current fiscal year where practical. It must also be expressly stated in any multi-year service contract—which is any contract with a term extending

beyond the current fiscal year—that all financial obligations of the City beyond the current fiscal year are subject to annual appropriation.

- B. Insurance. Contract documents must require the contractor to procure and maintain minimum insurance coverage at the direction of or as prescribed by standard contract forms by the City Attorney.
- C. Performance Bond. A performance bond, satisfactory to the City and in accordance with the thresholds in GMC 2.20.040, executed by a surety company authorized to do business in this state, or otherwise secured in a manner satisfactory to the City, shall be delivered to the City and shall become binding on the parties upon execution of Public Works Contracts.
- D. Payment Bond. A payment bond, satisfactory to the City and in accordance with the thresholds in GMC 2.20.040, executed by a surety company authorized to do business in this state, or otherwise secured in a manner satisfactory to the City for the protection of all persons supplying labor and material to the contractor or its subcontractors for the performance of the work provided for in Public Works Contracts.
- E. Retainage. The contract shall include provisions for retainage of contract sums as prescribed by state law, and may include provisions for retainage in contracts not covered by state law.
- F. Liquidated Damages. The City may, by contract, require the contractor to waive, release, or extinguish its rights to recover costs or damages, or obtain an equitable adjustment, for delays in performing such contract if such delay is caused, in whole or in part, by the acts or omissions of the City or its agents, if the contract provides that an extension of time for completion of the work is the contractor's remedy for such delay. Such clause is valid and enforceable, any provision of state law to the contrary notwithstanding.
- G. Final Payment. The City may include provisions to withhold the final payment until at least ten days after notice of intention to pay is published at least twice in a newspaper of general circulation in the City and after the City has received a release of statements of claim or liens. Other similar provisions may be included such as a requirement to provide a list of subcontractors, an affidavit attesting that all subcontractors have been paid and/or have each subcontractor provide a release of statements of claim or liens. Proof of publication should be submitted to the Finance Department. Claims against the contract shall be filed as prescribed by state law.
- H. Review. Contracts are to be reviewed by the City Attorney based on the thresholds in GMC 2.20.040. Generally, all contracts/agreements should use the City's standard form. Exceptions can only be approved by the City Attorney or City Manager.
- I. Signature Authority. Directors and the City Manager may execute contracts with contractual commitments up to their approval authority as presented in GMC

2.20.040. All other contracts are to be approved by the City Council. The City Council may delegate signature authority to the City Manager for specific contracts or contractual commitments.

2.20.150 – Independent Contractor Policy

The City's Finance Director or designee shall make the determination whether an individual is an independent contractor, as compared to an employee, and shall approve any contract arrangements.

The rules for determining whether an individual is or isn't an independent contractor are complex. The determination needs to be made on a case by case basis as required by governing law.

2.20.160 – Professional Services

Professional services include architectural, engineering, financial, legal, consulting or other similar services. Requests for Proposal, Requests for Qualifications or a similar process are typically used to solicit professional services. Evaluation of responses to such requests should consider whether the bidder:

- A. Possesses adequate technical and financial resources to perform the project or services or the ability to obtain the resources required for performance;
- B. Possesses necessary experience, organizational and technical skills in the relevant fields or the ability to obtain them, including without limitation arrangements with subcontractors;
- C. Proposes a reasonable approach to achieve the project or service objectives in an acceptable timeframe;
- D. Has a satisfactory record of performance in developing and implementing similar projects or providing similar services in other jurisdictions; and
- E. Will perform the project or services at a reasonable cost compared with the level of effort expended.

Written justification for the service provider selected shall be attached to the voucher. Approval of professional services are subject to the same approval thresholds and processes as any other expenditure.

2.20.170 – Authority to Debar or Suspend

After reasonable notice to the person involved and reasonable opportunity for that person to be

heard, the City Manager or designee, after the approval of the City Council, is authorized to debar a person for cause from consideration for award of contracts. The debarment shall be for a period of not more than three years. After the approval of the City Council, the City Manager is authorized to suspend a person from consideration for award of contracts if there is probable cause to believe that the person has engaged in any activity which might lead to debarment. The suspension shall be for a period not to exceed three months. The causes for disbarment include:

- A. Conviction or 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;
- B. 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 currently, seriously and directly affects responsibility as a City contractor;
- C. Conviction under state or federal antitrust statutes arising out of the submission of bids or proposals;
 - 1) Violation of contract provisions, as set forth below, of a character which is regarded by City Manager to be so serious as to justify debarment action;
 - 2) Deliberate failure without good cause to perform in accordance with the specifications or within the time limit provided in the contract;
- D. 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 considered to be a basis for debarment.

After approval of a debarment or suspension by City Council, the City Manager shall issue a written order to debar or suspend which order shall be immediately mailed, by first class mail, or personally delivered to the debarred or suspended person. The order shall state the reasons for the action taken.

2.20.180 – Miscellaneous Purchasing Provisions

- A. Computer Hardware/Software/Printers. All such purchases shall be made through or in coordination with the Information Technology Department.
- B. Exempt Items. Certain expenditures are not subject to this policy. Such exempt items include debt service, payroll related disbursements and investment transactions.
- C. Gift Cards/Certificates. Any gift cards/certificates purchased for an employee of the City is taxable through payroll and must be pre-approved by the City Manager or

Finance Director in writing. A listing of employees receiving gift cards must be submitted to payroll for processing.

- D. Personal Purchases. No personal purchases may be made using City funds, even with employee reimbursement.
- E. Professional Dues and Licenses. Professional dues, licenses, and memberships to associations and organizations that benefit the City will be paid from City funds but shall be the responsibility of the employee to obtain and maintain. Examples would include, but are not limited to: professional engineer license, water/wastewater treatment operator's licenses, professional certifications, etc.
- F. Sales Tax. Sales tax is not to be charged on any purchase by the City within the State of Colorado. The City's tax exempt number is 98-06327000 and should be given to the vendor before the sale is completed. A copy of the City's tax-exempt certificate is available from Finance. Some types of purchases may be exempted from this provision at the discretion of the City Manager or Finance Director.

2.20.190 – Emergency Procurement

Notwithstanding any other provision of this policy, the City Manager or designee may make or authorize others to make emergency procurement when there exists a threat to public health, welfare, or safety under emergency conditions. The required purchasing procedures stipulated in other areas of this policy may be waived for emergency purchases where necessary. A written determination of the basis for emergency and for the purchase or selection of the particular vendor or contractor shall be included with the purchase documentation. A summary of all emergency purchases shall be submitted for review by the City Council at the earliest Council meeting possible if in excess of \$25,000.

2.20.200 – Audit Procedures

Periodically, Finance staff will review samples of check requests, new vendor requests and remittance address changes to ensure that City staff is complying with policy. Errors/violations of policy will be communicated to the Finance Director and department directors, as appropriate, in addition to communicating with the responsible staff. Additional training will be provided or other appropriate actions taken as required.

2.20.210 – Ethical Responsibilities

All city personnel are obligated to establish and maintain ethical relationships with all vendors or suppliers of city goods and services. The following are examples of unacceptable city employee relationships with vendors or suppliers. The list is not intended to be all-inclusive. City employees must also consider the appearance of fairness and propriety in their relationships with city vendors or suppliers.

- A. Seeking or accepting directly from any persons, partnerships, corporations, or other business entities or representatives which are doing or seeking to do business with the city of Gunnison, services, cash or loans, vacations or pleasure trips, or any gifts exceeding the value of \$50.00.
- B. Knowingly over- or underestimating the requirements of this policy and/or bids or failing to disclose the existing requirements in order to avoid doing business with a particular vendor or supplier.
- C. Misrepresenting competitors' prices, quality, or services in order to obtain concessions from vendors or suppliers.
- D. Having personal investments in any business entity which will create a substantial conflict between private interests and public duties when the city of Gunnison employee is involved in making a particular purchasing decision.

Inexpensive advertising items bearing the name of a vendor (i.e. pens, pencils, paper weights, cups, caps, candy, calendars, etc.) are not considered articles of value or gifts in relation to this policy.

INTRODUCED, READ, PASSED AND ORDERED PUBLISHED this 25th day of September, 2018, on first reading, and introduced, read, and adopted on second and final reading this 9th day of October, 2018.

Mayor

SEAL:

ATTEST:

City Clerk

Published by Title in the
Gunnison Country Times
October 4, 2018



Purchasing Policy and Procedure

Adopted October 9, 2018
Found in GMC § 2.20

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2.20.010 – Definitions

- A. “Change Order” means work that is added to or deleted from the original scope of work of a contract, however, depending on the magnitude of the change, it may or may not alter the original contract amount and/or completion date.
- B. “Cooperative Purchasing” involves sharing procurement contracts between governments. Cooperative procurement contracts are usually based on the common requirements of multiple governments. There are several types of cooperative purchasing arrangements, but the type the City will use the majority of the time will be so-called “piggyback options”. These occur when one or more organizations represent their requirements and include an option for other organizations to “ride” or “bridge” the contract as awarded.
- C. “Emergency Conditions” means situations in which the health, welfare, and/or safety of employees or the public are endangered. This includes those instances when immediate repair to City property, equipment, or vehicles is necessary under the circumstances mentioned above.
- D. “Invitation for Bid (IFB)” means a “formal” bid that may require advertising, bonds, and sealed bids. The department head or designee is responsible for the bid package and vendor eligibility. The specifications, delivery requirements, plans, drawings, and other items must be determined and finalized prior to the bid package being provided. Eligibility may be determined from a pre-qualification process, general advertising of project, or any other method deemed appropriate.
- E. “Liquidated Damages” is a contractual clause where the City can collect as compensation upon a specific breach (e.g., late performance).
- F. “Payment Bond” is a type of bond covers a percentage of the contract amount. A claim on a performance bond can be used to perform unfinished work or defective work on a project.
- G. “Petty Cash Fund Administrator” is the employee responsible for administering a petty cash fund.
- H. “Performance Bond” is a type of bond designed to provide security to subcontractors and materials suppliers to ensure payment for their work, labor and/or materials on the project.
- I. “Public Works Project” is a contract of the City for the construction, alteration, repair, or maintenance of any building, structure, highway, bridge, viaduct, pipeline, public works, real property as defined in section 24-30-1301(15) of the Colorado Revised Statutes, or any other work dealing with construction, which includes, but need not be limited to, moving, demolition or excavation performed in conjunction with such work.
- J. “Professional Services” are services within the scope of the practice of architecture, consulting,

engineering, professional land surveying, legal counsel, financial advisers, banks, or other service type industry.

- K. “Request for Proposal (RFP)” is a process used to acquire supplies and services that involves the review of written proposals and the use of negotiations with the most qualified bidder(s). This process may also include the use of a Request for Qualifications (RFQ) as a preliminary step to the RFP process in an attempt to gather information and pre-qualify prospective bidders.
- L. “Request for Qualification (RFQ)” is a process used to identify qualified providers of specified services to be used in the RFP process.
- M. “Requesting Department” mean the department asking to purchase goods or services to be used for City business.
- N. “Retainage” means a portion of the agreed upon contract price deliberately withheld until the work is substantially complete to assure that contractor or subcontractor will satisfy its obligations and complete a construction project. Once work is deemed satisfactory, the retainage is released.
- O. “Sole Source Purchase” is procurement of goods or services can only be obtained from a single supplier capable of meeting all specifications and purchase requirements or when it is in the City’s best interests.
- P. “Voucher” is a source document that serves as evidence of some expenditure of the City of Gunnison with appropriate authorization, and substantiates issuance of an accounts payable check or an electronic funds transfer.

2.20.020 – Policy Objectives

The purpose of this purchasing policy is to establish standards for all purchasing activity and procurement procedures. The objectives of the policy are to:

- A. Provide for the fair and impartial treatment of persons involved in public purchasing by the City of Gunnison.
- B. Procure goods and services at the lowest possible cost with the quality needed for effective use.
- C. Minimize or eliminate disruptions in operations resulting from the lack of material, equipment, or supplies.
- D. Avoid duplication, waste, and obsolescence with respect to the procurement of goods and services.

- E. Provide appropriate budgetary and fiscal control over all municipal expenditures.
- F. Comply with the Colorado Revised Statutes, as amended and as applicable.
- G. Provide a uniform procedure for the purchase of materials, equipment, and services.
- H. Purchase goods and services from local vendors, using local preference as stated in GMC 2.20.120, when their goods and services are economically competitive and their quality is comparable to other goods and services.
- I. Require all vendors and other suppliers to fulfill all terms and conditions of contracts and other purchasing agreements.
- J. Secure all applicable federal and state tax exemptions appropriate to purchase or contracts for services.
- K. Assure applicability to all city departments, including elected offices.

2.20.030 – Roles & Responsibilities

- A. Purchases are initiated by the various departments of the City. Their primary responsibilities include the following:
 - 1) Ensure all employees involved in the procurement process are familiar with purchasing policies and procedures.
 - 2) Anticipate purchasing requirements.
 - 3) Ensure adequate funds are available for purchases of goods and services and are specifically included in the budget.
 - 4) Provide all contracts, agreements, and legal instruments to the City Clerk's office as official custodian.
 - 5) Take appropriate steps to ensure goods and services are purchased from qualified vendors in an efficient and effective manner.
 - 6) Obtain appropriate approvals throughout the purchasing process, with adequate supporting documentation, and ensure the appropriate budget line item is charged in the accounting system.

- 7) Ensure materials received and the quality of work or services rendered meet the purchasing/contract terms before approving payment.
 - 8) Strive to maintain good relations with the City's vendors.
- B. The Finance Department is responsible for administration of the purchasing policy. Its primary responsibilities include the following:
- 1) Maintain the City's accounting system to ensure spending authorization limits pursuant to the approved budget and approval paths are current.
 - 2) Implement procedures to help ensure City staff complies with this purchasing policy.
 - 3) Issue checks to vendors in a timely manner and maintain accounts payable records.
 - 4) Prescribe and maintain such forms as the Finance Director shall find reasonable and necessary to implement and support the purchasing procedures contained within this policy.

2.20.040 – Summary of Purchasing Thresholds

The minimum thresholds as referenced in this purchasing policy are identified below. The City Manager or Department Directors have the discretion to include more stringent thresholds on a case-by-case basis. Thresholds are subject to other provisions and exceptions as enumerated in the applicable subsequent sections of the Purchasing Policy.

A. Signature Authority for Purchases Included in the Budget

Department Director	\$0 - \$25,000
City Manager	\$25,001 - \$50,000
City Council	Greater than \$50,000

B. City Attorney Review

City Standard Contract Form	\$0 - \$25,000
Specific City Review	Greater than \$25,000

C. Competitive Bidding

Buyer's Best Judgement	\$0-\$5,000
Informal Purchase	\$5,001-\$25,000
Formal Purchase	Greater than \$25,000

D. Bid Bond for Public Works Contracts

5% of the estimated project cost	\$100,000 - \$500,000
10% of the estimated project cost	Greater than \$500,000

E. Performance Bond for Public Works Contracts

50% of the contract amount	Greater than \$50,000
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F. Payment Bond for Public Works Contracts

50% of the contract amount	Greater than \$50,000
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G. Retainage for Public Works Contracts

5% of the contract amount	Greater than \$150,000
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H. Local Preference

10% of the bid amount	\$0 - \$250,000
3% of the bid amount	Greater than \$250,000

I. Sole Source Approval

Finance Director	\$0 - \$25,000
City Manager	Greater than \$25,000

2.20.050 – Approval Authority

- A. Approval authority is granted on an individual basis. The various approval thresholds related to this policy are identified in GMC 2.20.040:
- B. The Finance Department shall keep a current list of designated staff authorized to approve City expenditures. The list shall include the full signature and initials of each authorized individual and the authorization level granted to that individual along with the authorized employee delegating authorization where applicable. It is each department's responsibility to update these signatures when staff changes occur. No purchase shall be divided to circumvent the above approval levels.
- C. Directors may request additional approval levels less than those in the table above to reflect intradepartmental procedures, but such requests are subject to approval by the Finance Director and will be implemented only to the extent the City's purchasing system is able to support any such requests.
- D. When a Director is out of the office, he/she may designate a staff member to approve vouchers/invoices in their absence up to the level of the Director's approval authority. Such

designation shall be in writing (or via email) and provided to the Finance Director.

- E. Members of the City Council and advisory boards and commissions are required to comply with the terms of this policy and may not commit City funds except as provided for by this policy or by formal action of the City Council.

2.20.060 – Petty Cash

With the exception of the petty cash fund in the Finance Department, a petty cash fund may not be used to pay for purchases. Petty cash funds within other departments may only be used to make change for customer transactions.

General controls for petty cash funds are as follows:

- A. New petty cash funds, or changes to amounts of existing funds, must be approved by the Finance Director.
- B. Petty cash must be kept in a locked box in a secure location.
- C. The Petty Cash Fund Administrator(s) is responsible for ensuring that the cash on hand equals the total authorized amount.
- D. The Finance Department or external auditors are authorized to verify that the cash on hand equals the total authorized amount at any time.

The process for a purchase using the Finance Department petty cash fund is as follows:

- A. Complete a Petty Cash Request Form, obtaining required approvals, in order to receive the amount needed for the purchase for an amount not exceeding \$40. Multiple requests/purchases may not be utilized to circumvent the \$40 limit. The Finance Director must approve amounts greater than \$40.
- B. Attach the invoice/receipt to the Petty Cash Request Form. The employee making the purchase is responsible for any shortfall when returning unused funds.
- C. The Finance Department shall issue a check to replenish the petty cash fund.

2.20.070 – Payment Requests

- A. Payment requests must be submitted on accounts payable vouchers as established by the Finance Director and include general ledger account coding and appropriate approvals based on the

thresholds in GMC 2.20.040. Other requirements for payment requests are as follows:

- 1) The voucher must include supporting documentation, which includes at least one of the following items:
 - Vendor invoice
 - Itemized receipt
 - Copy of approved City Council meeting minutes with a motion to make payment to a vendor
 - Properly executed contract or agreement that dictates payment to a vendor
 - Travel expense form
- 2) If documentation needs to be included with the check to be sent to the payee, copy and attach the documents to the voucher for Finance to send to the vendor after the check is issued.

2.20.080 – Purchasing Cards

The City has issued purchasing cards to certain staff. Policy and procedures for use of these cards are addressed in a separate policy. All applicable portions of this purchasing policy apply to use of City purchasing cards. Split purchases with credit cards are not permitted if they are made to circumvent this policy.

2.20.090 – Competitive Bidding

Competitive bids are required according to the thresholds identified in GMC 2.20.040. Depending on the nature of the product or service, bids are not necessarily awarded to the lowest bidder. For those situations where the low bid is not accepted, the basis for the award should be documented in writing and included in the documentation submitted with the voucher. Exceptions to the requirement for competitive bidding are prescribed in GMC 2.20.100 and 2.20.110.

- A. Bidder's List. Departments are encouraged, but not required, to maintain bidder's lists. All formal bids shall be advertised on the City's web site, and vendors should be encouraged to subscribe to the notification service provided on the site. Public notice may also include publication in the City's legal newspaper or a newspaper of general circulation.

B. Types of Bids.

- 1) Informal Purchase. A minimum of three informal written bids conforming to bid specifications shall be solicited prior to the purchase of any goods or entering into a contract for services. An informal written bid shall be a firm written price or quote for specific goods or services, which is valid for no less than 30 days. There is no requirement for notice.

- 2) Formal Purchase. Formal Invitation for Bid (IFB) or Request for Proposals (RFP) shall be required. Request for bids shall be advertised in a newspaper of legal record and the City's website a minimum of 10 days prior to the date set forth for bid opening. All solicitations requiring contracts, bonds or insurance according to GMC 2.20.140 shall be reviewed by the City Attorney.
- C. Bid Evaluation. Bids shall be evaluated based on the requirements set forth in the bid package, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award shall be objectively measurable, such as discounts, transportation costs, and total for life cycle costs. The bid package sets forth the evaluation criteria to be used. No criteria may be used in bid evaluation that is not set forth in the bid package.
- D. Bid Security. Bid security in accordance with the thresholds in GMC 2.20.040 shall be required for all competitive sealed bidding for Public Works Contracts. Bid security shall be a bond provided by a surety company authorized to do business in this state, or the equivalent in certified funds, or otherwise supplied in a form satisfactory to the City. When the invitation for bid requires security, noncompliance requires that the bid be rejected.
- E. Colorado Labor. Contractors who are working under a Public Works Contract exceeding \$50,000 must meet the eighty percent (80%) Colorado labor requirements, unless waived by the City Council pursuant to the Colorado Revised Statutes.
- F. Award. The contract shall be awarded with reasonable promptness to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the bid package, unless the City Manager or his designee shall determine that the public interest will be better served by accepting a different bid. When the award is not given to the lowest bidder, a complete statement of the reasons for placing the order with another bidder shall be made available to all bidders upon request.
- G. Cancellation of Invitation for Bids. An invitation for bids or any other solicitation may be canceled, or any or all bids or proposals may be rejected in whole or in part as may be specified in the solicitation, when it is in the best interests of the City. The reasons therefore shall be put in writing and made part of the contract file.

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- A. Governmental Purchases. Purchases from federal, state or other local government units and purchases made through other governmental entities as may be authorized by ordinance or statute.
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- C. In accordance with Section 11.6 of the City of Gunnison Municipal Home Rule Charter, the Council may, by resolution or by ordinance, enter into contracts or agreements with other governmental units or special districts for the use of buildings, equipment, or facilities, and for furnishing or receiving commodities or services.

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preference shall be suspended if prohibited by an external source including, but not limited to, grantors, creditors, contractual agreements, or force of law. The provisions for local preference apply to consideration of cost only. Bids that include other requirements regarding product specifications, vendor qualifications, or other criteria based on the nature of the product or service, may not necessarily be awarded to the lowest cost bidder.

2.20.130 – Change Orders

If a change order increases the dollar amount of the purchase above the approval level of the approver of the purchase, additional approval will be required based on the thresholds in GMC 2.20.040.

2.20.140 – Contract Terms/City Attorney Review

- A. Term. All service contracts must specifically state the term of the contract and the options for renewing the contract (if applicable) beyond the original term. In no case shall any service contract have an indefinite term. Generally, contracts should begin and end within the current fiscal year where practical. It must also be expressly stated in any multi-year service contract—which is any contract with a term extending beyond the current fiscal year—that all financial obligations of the City beyond the current fiscal year are subject to annual appropriation.
- B. Insurance. Contract documents must require the contractor to procure and maintain minimum insurance coverage at the direction of or as prescribed by standard contract forms by the City Attorney.
- C. Performance Bond. A performance bond, satisfactory to the City and in accordance with the thresholds in GMC 2.20.040, executed by a surety company authorized to do business in this state, or otherwise secured in a manner satisfactory to the City, shall be delivered to the City and shall become binding on the parties upon execution of Public Works Contracts.
- D. Payment Bond. A payment bond, satisfactory to the City and in accordance with the thresholds in GMC 2.20.040, executed by a surety company authorized to do business in this state, or otherwise secured in a manner satisfactory to the City for the protection of all persons supplying labor and material to the contractor or its subcontractors for the performance of the work provided for in Public Works Contracts.
- E. Retainage. The contract shall include provisions for retainage of contract sums as prescribed by state law, and may include provisions for retainage in contracts not covered by state law.
- F. Liquidated Damages. The City may, by contract, require the contractor to waive, release, or extinguish its rights to recover costs or damages, or obtain an equitable adjustment, for delays in performing such contract if such delay is caused, in whole or in part, by the acts or omissions of the City or its agents, if the contract provides that an extension of time for completion of the work is the contractor's remedy for such delay. Such clause is valid and enforceable, any provision of

state law to the contrary notwithstanding.

- G. Final Payment. The City may include provisions to withhold the final payment until at least ten days after notice of intention to pay is published at least twice in a newspaper of general circulation in the City and after the City has received a release of statements of claim or liens. Other similar provisions may be included such as a requirement to provide a list of subcontractors, an affidavit attesting that all subcontractors have been paid and/or have each subcontractor provide a release of statements of claim or liens. Proof of publication should be submitted to the Finance Department. Claims against the contract shall be filed as prescribed by state law.
- H. Review. Contracts are to be reviewed by the City Attorney based on the thresholds in GMC 2.20.040. Generally, all contracts/agreements should use the City's standard form. Exceptions can only be approved by the City Attorney or City Manager.
- I. Signature Authority. Directors and the City Manager may execute contracts with contractual commitments up to their approval authority as presented in GMC 2.20.040. All other contracts are to be approved by the City Council. The City Council may delegate signature authority to the City Manager for specific contracts or contractual commitments.

2.20.150 – Independent Contractor Policy

The City's Finance Director or designee shall make the determination whether an individual is an independent contractor, as compared to an employee, and shall approve any contract arrangements.

The rules for determining whether an individual is or isn't an independent contractor are complex. The determination needs to be made on a case by case basis as required by governing law.

2.20.160 – Professional Services

Professional services include architectural, engineering, financial, legal, consulting or other similar services. Requests for Proposal, Requests for Qualifications or a similar process are typically used to solicit professional services. Evaluation of responses to such requests should consider whether the bidder:

- A. Possesses adequate technical and financial resources to perform the project or services or the ability to obtain the resources required for performance;
- B. Possesses necessary experience, organizational and technical skills in the relevant fields or the ability to obtain them, including without limitation arrangements with subcontractors;
- C. Proposes a reasonable approach to achieve the project or service objectives in an acceptable timeframe;

- D. Has a satisfactory record of performance in developing and implementing similar projects or providing similar services in other jurisdictions; and
- E. Will perform the project or services at a reasonable cost compared with the level of effort expended.

Written justification for the service provider selected shall be attached to the voucher. Approval of professional services are subject to the same approval thresholds and processes as any other expenditure.

2.20.170 – Authority to Debar or Suspend

After reasonable notice to the person involved and reasonable opportunity for that person to be heard, the City Manager or designee, after the approval of the City Council, is authorized to debar a person for cause from consideration for award of contracts. The debarment shall be for a period of not more than three years. After the approval of the City Council, the City Manager is authorized to suspend a person from consideration for award of contracts if there is probable cause to believe that the person has engaged in any activity which might lead to debarment. The suspension shall be for a period not to exceed three months. The causes for disbarment include:

- A. Conviction or 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;
- B. 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 currently, seriously and directly affects responsibility as a City contractor;
- C. Conviction under state or federal antitrust statutes arising out of the submission of bids or proposals;
 - 1) Violation of contract provisions, as set forth below, of a character which is regarded by City Manager to be so serious as to justify debarment action;
 - 2) Deliberate failure without good cause to perform in accordance with the specifications or within the time limit provided in the contract;
- D. 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 considered to be a basis for debarment.

After approval of a debarment or suspension by City Council, the City Manager shall issue a written order to debar or suspend which order shall be immediately mailed, by first class mail, or personally delivered to the debarred or suspended person. The order shall state the reasons for the action taken.

2.20.180 – Miscellaneous Purchasing Provisions

- A. Computer Hardware/Software/Printers. All such purchases shall be made through or in coordination with the Information Technology Department.
- B. Exempt Items. Certain expenditures are not subject to this policy. Such exempt items include debt service, payroll related disbursements and investment transactions.
- C. Gift Cards/Certificates. Any gift cards/certificates purchased for an employee of the City is taxable through payroll and must be pre-approved by the City Manager or Finance Director in writing. A listing of employees receiving gift cards must be submitted to payroll for processing.
- D. Personal Purchases. No personal purchases may be made using City funds, even with employee reimbursement.
- E. Professional Dues and Licenses. Professional dues, licenses, and memberships to associations and organizations that benefit the City will be paid from City funds but shall be the responsibility of the employee to obtain and maintain. Examples would include, but are not limited to: professional engineer license, water/wastewater treatment operator's licenses, professional certifications, etc.
- F. Sales Tax. Sales tax is not to be charged on any purchase by the City within the State of Colorado. The City's tax exempt number is 98-06327000 and should be given to the vendor before the sale is completed. A copy of the City's tax-exempt certificate is available from Finance. Some types of purchases may be exempted from this provision at the discretion of the City Manager or Finance Director.

2.20.190 – Emergency Procurement

Notwithstanding any other provision of this policy, the City Manager or designee may make or authorize others to make emergency procurement when there exists a threat to public health, welfare, or safety under emergency conditions. The required purchasing procedures stipulated in other areas of this policy may be waived for emergency purchases where necessary. A written determination of the basis for emergency and for the purchase or selection of the particular vendor or contractor shall be included with the purchase documentation. A summary of all emergency purchases shall be submitted for review by the City Council at the earliest Council meeting possible if in excess of \$25,000.

2.20.200 – Audit Procedures

Periodically, Finance staff will review samples of check requests, new vendor requests and remittance address changes to ensure that City staff is complying with policy. Errors/violations of policy will be communicated to the Finance Director and department directors, as appropriate, in addition to

communicating with the responsible staff. Additional training will be provided or other appropriate actions taken as required.

2.20.210 – Ethical Responsibilities

All city personnel are obligated to establish and maintain ethical relationships with all vendors or suppliers of city goods and services. The following are examples of unacceptable city employee relationships with vendors or suppliers. The list is not intended to be all-inclusive. City employees must also consider the appearance of fairness and propriety in their relationships with city vendors or suppliers.

- A. Seeking or accepting directly from any persons, partnerships, corporations, or other business entities or representatives which are doing or seeking to do business with the city of Gunnison, services, cash or loans, vacations or pleasure trips, or any gifts exceeding the value of \$50.00.
- B. Knowingly over- or underestimating the requirements of this policy and/or bids or failing to disclose the existing requirements in order to avoid doing business with a particular vendor or supplier.
- C. Misrepresenting competitors' prices, quality, or services in order to obtain concessions from vendors or suppliers.
- D. Having personal investments in any business entity which will create a substantial conflict between private interests and public duties when the city of Gunnison employee is involved in making a particular purchasing decision.

Inexpensive advertising items bearing the name of a vendor (i.e. pens, pencils, paper weights, cups, caps, candy, calendars, etc.) are not considered articles of value or gifts in relation to this policy.

RESOLUTION NO. 2019-09

**TITLE: A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE
 TOWN OF GREEN MOUNTAIN FALLS, COLORADO,
 APPROVING AN AMENDED COMPREHENSIVE PLAN**

WHEREAS, the Town of Green Mountain Falls acting through the Town's Planning Commission and the Board of Trustees, desires to update the Town's comprehensive plan pursuant to C.R.S. § 31-23-201, *et seq.*;

WHEREAS, C.R.S. § 31-23-206(1) provides that a municipality's Planning Commission adopts the comprehensive plan, subject to approval by the governing body of the municipality;

WHEREAS, on _____, 2019, after a duly noticed public hearing, pursuant to C.R.S. § 31-23-206(1), the Planning Commission reviewed and adopted the comprehensive plan hereto as **Exhibit A** (the "Comprehensive Plan"); and

WHEREAS, in accordance with C.R.S. § 31-23-206(1), the Board of Trustees desires to approve the Planning Commission's adoption of the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF GREEN MOUNTAIN FALLS, COLORADO, THAT:

Section 1. The Comprehensive Plan attached hereto as **Exhibit A** is hereby approved.

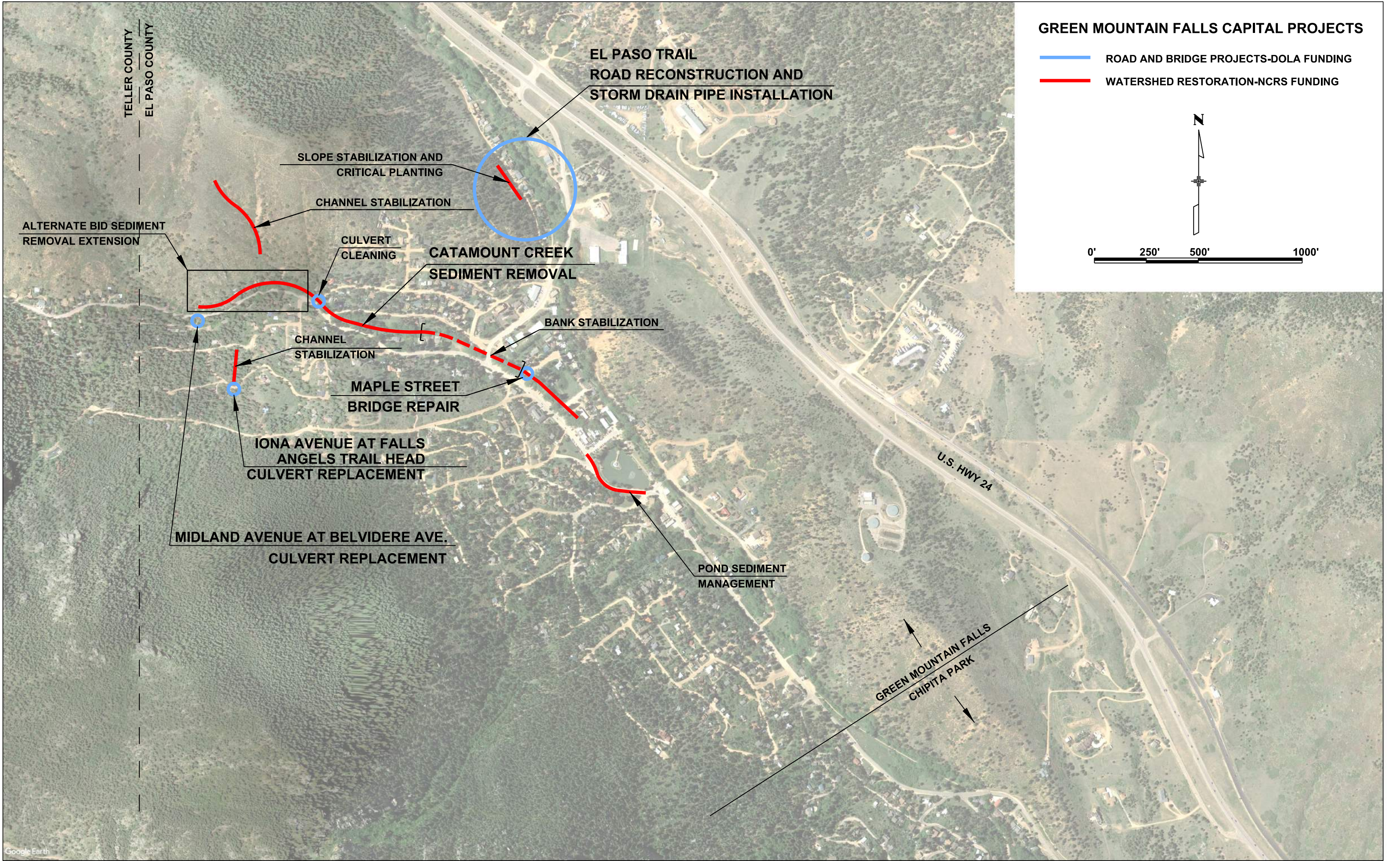
TOWN OF GREEN MOUNTAIN FALLS,
COLORADO

Jane Newberry, Mayor

(SEAL)

ATTEST:

Laura Kotewa, Town Clerk





The Town of Green Mountain Falls

P.O. Box 524, 10615 Green Mountain Falls Road, Green Mountain Falls, CO 80819
(719) 684-9414 -- www.gmfco.us

Memorandum

To: Mayor and Board of Trustees
From: Jason S. Wells, Interim Town Manager
Re: Management Report
Date: July 16, 2019

1) Flood Response

- a) Outside Funding Eligibility/Disaster Declaration
 - i) Outside Funding Sources
 - (1) Department of Local Affairs – \$139,730 awarded to address priority infrastructure projects
 - (2) NRCS Emergency Watershed Protection Program
 - (a) Appx. \$300K grant w/ \$100K match requirement
 - (b) Funding Availability Call Received on 6/12
- b) Project Steps (various grant compliance needs throughout)
 - i) Design/Engineering Contract Award
 - ii) Site Surveying/Easement Work
 - iii) Design/Engineering
 - iv) Bid solicitation/review
 - v) Construction
- c) Priority Projects
 - i) Midland Culvert Replacement - \$51,715
 - (1) Survey Work Completed
 - ii) Maple St. Bridge Repair – Original Estimate - \$35,184
 - (a) Two Design Alts. Presented by Design Engineer
 - (i) Alt 1 - \$52,153
 - (ii) Alt 2 - \$61,833
 - (b) Grant budget shortfall of up to \$26,649
 - (c) Supplemental DoLA funding likely not possible
 - iii) El Paso Trail Road Rehabilitation - \$40,711
 - (1) Working on Easement Agreement with Property Owner/Town Attorney
 - iv) Iona Ave Culvert Replacement - \$32,282
 - (1) Revised Right of Entry Drafted/Delivered/Executed
 - v) Olathe/Belvidere Sediment Removal - \$26,413 (not currently funded; awaiting NRCS determination)

2) Departmental Info

- a) Town Clerk/Treasurer
 - i) See included comprehensive report

Management Report

January 27, 2017

- ii) Items of Mutual Clerk/Mgr. Interest
 - (1) Vendor Permitting – Draft Ordinance Forthcoming Per Board Instruction
 - (a) Reduced Business License Fee (i.e. based on daily operation rather than year-round)
 - (b) Clarity that Temporary Vendors May Operate Only in Conjunction with Approved Events
 - (c) Clarity that Individual Vendors Are Responsible for Collecting/Remitting Applicable Taxes
- b) Marshall's Office
- c) Public Works
 - i) Parks
 - (1) Restrooms
 - (a) Timed Locks Installation
 - (2) Goose Repellant – Weekly Applications Commenced on 5/1; need to monitor for efficacy
 - (3) Water Service – CSU Regulatory Compliance/Backflow Preventers ** On Hold Due to Staffing/Funding
 - ii) General Road Maintenance
 - (1) Olathe Ave Culvert Replacement
 - (2) Possible Asphalt Millings Pilot Project?
 - (3) Bigger Picture – Need for Comprehensive Storm Water Management Plan – Recommend RFQ Soon
 - iii) Belvidere Ave Improvement Project
 - (1) Completed Project Walk-Through on 6/12
 - (2) Received a Host of Resident Concerns & Have Relayed to Project Team to Address
 - (3) Budget
 - (4) County Engineering Opinion
 - iv) Lake/Park Improvements
 - (1) Memorial Park Bench Policy?
- d) Pool
- e) Finance/Budgeting
 - i) Chart of Accounts Overhaul
 - ii) Mid-Year Budget Amendment Process
- f) Planning/Land Use
 - i) Short-Term Rentals
 - (1) 2nd Quarter Lodging Occupational Tax Remittances Due July 15th.
 - ii) Revocable Permit Audit – On Hold Due to Staffing Limitations
 - iii) Clarification of Application Requirements, Mandated Processes, Fees, Etc.
 - (1) Plan Review
 - (a) Grading Plans
 - (b) Site/Development Plans
 - (c) Architectural Design/Building Plans
 - (d) Others?
 - (2) Grading Permits/Erosion Control Plans
 - (3) Fence/Shed Permits
 - iv) Economic Development
 - (a) Fiber Optics/Broadband
 - (b) Follow Through on EPC Enterprise Zone Designation - ** On Hold
 - v) Iona Ave New Home – Erosion Control Plan & Engineering Review Thereof Forthcoming

Management Report

January 27, 2017

- g) Human Resources
 - i) Needed Personnel Policies (in addition to recently-adopted Employee Handbook)
 - (1) Personal Information/Privacy (Necessitated by HB 2018-1128) – On Hold Pending Training
- h) Information Technology
 - i) Website
 - (1) Site Content Being Constantly Increased/Managed – Public/Board Feedback Encouraged
- 3) Grants
 - a) Flood Recovery (2) – See Above
 - b) DoLA Town Manager Grant - \$38,223.23 remaining as of December 31st (of original \$125K award)
 - i) Q4 2018 Requests for Reimbursement Have Been Submitted/Funds Received
 - c) DoLA Comp Plan Update Grant
 - i) Q4 2018 Requests for Reimbursement Has Been Submitted/Funds Received
 - ii) \$27,966.13 remaining as of December 31st (of original \$50K award)
 - d) HGMFF Comp Plan Update Grant
 - i) Q4 2018 Request for Reimbursement Has Been Submitted
 - ii) \$27,966.13 remaining as of December 31st (of original \$50K award)
 - e) Kirkpatrick Foundation Sidewalk Replacement Grant – Completed
 - f) Fishing is Fun Automated Lake Valve Grant - 2/13 Discussion w/ State Wildlife Contact ** On Hold
 - g) CDBG - Lake Access Grant - \$7,500 – ADA Fishing Pier – ** On Hold
 - i) Notice to Proceed Issued on 9/5/2018
 - ii) Project Management/Grant Administration Needs
- 4) Intergovernmental
 - a) El Paso County
 - i) Emergency Management Coordination
 - b) Pike's Peak Area Council of Governments
 - i) DoLA Mini-Grant for GIS – Planner Now Engaged; Needs Report Forthcoming
 - c) Pike's Peak Regional Building Department
 - i) Online Permit Processing – Planner Now Engaged; New Approval Processes Forthcoming
 - d) Colorado Springs Utilities
 - i) Request for Utility Easement Across Town Hall Property for Water Main
 - ii) Coordination w/ Utility Regarding Street Light Billing
 - (1) Public Input Process completed
 - (2) Field Inventory completed
 - (3) Feedback to CSU provided on 4/18
- 5) Insurance Administration
 - a) CIRSA
- 6) Emergency Management
- 7) Legal
 - a) Ordinance Rezoning Town Hall from Commercial to Public Facilities – Tabled pending additional PC review
 - b) Ordinance re: Event Management/Vendor Permitting – See Above Guidance/Ordinance Forthcoming
 - c) Procurement Code Revisions (Trustee Liaison Roles) – See Separate Agenda Item



The Town of Green Mountain Falls

P.O. Box 524, 10615 Green Mountain Falls Road, Green Mountain Falls, CO 80819
(719) 684-9414 www.gmfco.us

To: Mayor and Board of Trustees
From: Laura J. Kotewa Town Clerk
Re: Town Clerk Report, July 16, 2019

Routine activities continuing

- Forms updates
- Payroll
- Accounts payable
- Agenda packet preparation
- Meeting management
- Legal notices and postings

IT

Things are running very smoothly! I am hoping to have a report by meeting time about an exciting opportunity to automate our Short Term Rental Licensing and tax collection process. We will be moving forward to automate some of our other license and permitting processes as well.

Audit 2018

Our Auditor is working on final preparation to be able to share his findings on August 6th.

Process Improvement

After attending an Institute training on Budgeting, it seems we could possibly improve our budget process and what it looks like after completion. More information to come and Board and Staff training.

Training

I enjoyed and benefitted from the trainings offered last week. I will be attending Election Training towards the end of August.

Unmet needs

Nothing new to report.