



Legislation Details (With Text)

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Title: City Council Office recommending the Council discuss the process for selecting a vendor for the "Water event investigative services for the Sandy City Council"

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Attachments: 1. USCA 63G-6a-707, 2. Sandy Title 11 - Purchasing Procedures, 3. Memo to City Purchasing Agent_Draft

Date	Ver.	Action By	Action	Result
4/2/2019	1	City Council	adopted	Pass

Agenda Item Title:

City Council Office recommending the Council discuss the process for selecting a vendor for the "Water event investigative services for the Sandy City Council"

Presenter: Dustin Fratto

Description/Background:

This past month the Council issued a request for proposals (RFP) seeking investigative services for the water event. The RFP deadline is 10:30 a.m., Wednesday April 3, 2019. Following the deadline, proposals may be reviewed by the appropriate party. As the procurement unit, the Council must now appoint an evaluation committee to review the proposals and to select a vendor.

Utah State Code 63G-6a-707(3) states:

(3) The conducting procurement unit shall:

(a) appoint an evaluation committee consisting of at least three individuals with at least a general familiarity with or basic understanding of:

(i) the technical requirements relating to the type of procurement item that is the subject of the procurement; or

(ii) the need that the procurement item is intended to address; and

(b) ensure that the evaluation committee and each individual participating in the evaluation committee process:

(i) does not have a conflict of interest with any of the offerors;

(ii) can fairly evaluate each proposal

(iii) does not contact or communicate with an offeror concerning the procurement outside the official evaluation committee process; and

(iv) conducts or participates in the evaluation in a manner that ensures a fair and competitive process and avoids the appearance of impropriety.

There are two ways for this RFP to be awarded:

Method 1: Adhere to the Sandy Purchasing Code, Section 11-1-8(g), which states:

(1) Competitive sealed proposals may be used for the procurement of services for consultants, professionals, and providers.

(5) A register of proposals shall be prepared and shall list such information with respect to each proposal as is important in making the decision which shall be open for public inspection after award of contract.

Following this section of the Sandy Purchasing Code along with the Utah Code would require that the Council appoint a minimum of 3 competent and unbiased individuals to an evaluation committee that can privately evaluate and select a vendor. These individuals may be council members or staff. Having residents serve on the evaluation committee is not advisable in this situation as it may be difficult for impacted parties to comply with state code and offer fair evaluations. Should the Council decide to appoint its own members to the evaluation committee no more than 3 should be appointed in order to avoid forming a Council quorum and to maintain the evaluation committee's ability to adhere to section 11-1-8(g) of the City purchasing code in discussing all bids privately before awarding a contract publicly.

Method 2: Adhere to the Sandy Purchasing Code, Section 11-1-6(i), which states:

The City Council may authorize the procurement of supplies, equipment and services without complying with the provisions of this chapter when it determines that compliance with the procedure is not in the best interest of the City. A memo shall be placed in the file for the purchase setting out the reasons for not following the purchasing provisions which otherwise would apply.

Following this section of the Sandy Purchasing code along with the Utah Code would also require that the Council appoint a minimum of 3 competent and unbiased individuals to an evaluation committee. These individuals could also be council members or staff. However, the Council could waive the requirement found in section 11-1-8(g) that requires private selection of vendors followed by a public award of contract and instead make the whole process public. There is a trade-off and some difficulty that comes with issuing a waiver. If the decision is made to waive the requirements in section 11-1-8(g) and the selection process is made public, the evaluation committee must still maintain the privacy of the vendors who have responded to the RFP. At no point during the evaluation can the evaluation committee nor any member of the committee talk about anything that might compromise the privacy and anonymity of the vendors. As you can imagine, this might create a certain level of difficulty in effectively evaluating each vendor. Staff would only advise following this method if the Council determines that the best evaluation committee consists of a quorum of the City Council.

Recommended Action:

The Council Office staff and the City Purchasing Agent recommend that the Council select Method 1 and appoint 3 members to an evaluation committee that has the authority to select a vendor and negotiate a contract that will be executed by the Council Chair.

Suggested Motion:

Motion to establish an evaluation committee consisting of (3 members names) to evaluate proposals, select a vendor, and negotiate a contract for the "water event investigative services for the Sandy City Council"

Further action to be taken:

1. Should method 2 be selected staff will submit the attached memo entitled "Memo to City Purchasing Agent" to the City Purchasing Agent to be placed in the file for the purchase setting out the reasons for not following the purchasing provisions which otherwise would apply.
2. Evaluation committee shall review and select a vendor.