

## CHAPTER 2 - ADMINISTRATION

### Sec. 2-313.1. Competitive Sealed Proposals.

(1) *Conditions for Use.*

(a) A contract may be entered into for acquisitions by competitive sealed proposals when the Materials Manager determines, pursuant to the code and guidelines, that the use of competitive sealed bidding is either not practicable or not advantageous to the city.

(b) The code or guidelines may provide that it is either not practicable or not advantageous to the city to procure specified types of supplies, services, or construction by competitive sealed bidding.

(c) Contracts for the design-build, design-build-operate-maintain, design-build-finance-operate-maintain or other project delivery methods for professional services shall be entered into by following Arizona Revised Statutes Title 34.

(2) *Request for Proposals.* Proposals shall be solicited through a Request for Proposals.

(3) *Public Notice.* Adequate public notice of the Request for Proposals shall be given at a minimum of five (5) business days prior to the date set forth therein for the opening of proposals, in accordance with the procurement guidelines.

(4) *Receipt of Proposals.* Proposals shall be opened so as to avoid disclosure of contents to competing offerors during the process of negotiation. A Register of Proposals shall be prepared in accordance with the procurement guidelines, and shall be open for public inspection after contract award. Except to the extent the offeror designates, and the city concurs, trade secrets or other proprietary data contained in the proposal shall remain exempt from public disclosure to the extent permitted by law.

(5) *Evaluation Factors.* The Request for Proposals shall state the relative importance of price and other factors and subfactors, if any. The Materials Manager may appoint a committee to review qualifications. The committee shall consist of a materials management staff member and one or more individuals.

(6) *Discussion with Responsible Offerors and Revisions to Proposals.* As provided in the Request for Proposals, and under regulations, discussions may be conducted with responsible offerors who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of clarification to assure full understanding of, and responsiveness to, the solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals, and such revisions may be permitted after submissions and prior to award for the purpose of obtaining best and final offers. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing offerors.

(7) *Award.* Award shall be made to the responsive and responsible offeror whose proposal conforms to the solicitation and is determined in writing to be the most advantageous to the city taking into consideration price and the evaluation factors set forth in the Request for Proposals. No other factors or criteria shall be used in the evaluation. The contract file shall

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contain the basis on which the award is made. Written notice of the award of a contract to the successful offeror shall be promptly given to all offerors.

(8) *Debriefings.* The Procurement Officer is authorized to provide debriefings that furnish the basis for the source selection decision and contract award.

ABA Model Procurement Code Reference 3-203  
(Ord. No. 08-01, 1/15/08, Enacted) SUPP 2008-1