

ORDINANCE NO. \_\_\_\_\_

BY THE COUNCIL:

BISTERFELDT, CLEGG, EBERLE, JORDAN,  
TIBBS AND SHEALY

**AN ORDINANCE AMENDING TITLE 1, CHAPTER 11, BOISE CITY CODE TO IMPLEMENT AND AUTHORIZE AWARD OF CONTRACTS TO BIDDERS AND PROPOSERS WITH A SIGNIFICANT LOCAL ECONOMIC PRESENCE EVEN IF THEY ARE NOT THE LOW PRICE BIDDER OR PROPOSER; APPROVING A SUMMARY OF THE ORDINANCE AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Boise is desirous of using its tax dollars to stimulate local providers of goods, services and construction; and

**WHEREAS**, the Idaho Legislature has authorized the city council to award contracts to other than the low price bidder or proposer.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BOISE CITY, IDAHO:**

**Section 1.** That Title 1, Chapter 11, Section 1, Boise City Code, be, and the same is hereby amended to read as follows:

**Section 1-11-01DEFINITIONS**

**ACQUISITION COST:**

Cost includes unit price plus delivery, installation and any other associated charges to place in service.

**ADDENDA:**

Changes to project specifications or bid documents that are essential to the project and that require recognition and acknowledgment by participating vendors. The Purchasing Agent may waive the requirement for acknowledgement if the acknowledgment of the addenda is either demonstrated by the inclusion of addenda related items within the submitted bid, or if the waiver is determined to be in the best interest of the City.

O-14-09

**AWARD:**

Award of a contract or purchase is not valid until approval by City Council or the Purchasing Agent, as appropriate, and is evidenced by an approved Purchase Order or Contract.

**BUSINESS:**

Any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture, or any other private legal entity.

**CONSTRUCTION CONTRACT:**

An agreement for the construction, installation, major maintenance or repair of a public building, facility or works.

**CONTRACT CHANGE ORDER:**

A change in an authorized contract made necessary, because of circumstances not foreseen in preparing the project bid or the contract specifications, for proper completion of the project or which is in the best interest of the City.

**CONTRACT:**

All types of City agreements, regardless of what they may be called, for the procurement or disposal of supplies, equipment, services or construction.

**CONTRACTOR:**

Any person having a contract with a governmental body.

**DESIGNEE:**

A duly authorized representative.

**DOCUMENTATION:**

Written description of the competitive bid process, including bid summaries and copies of bids.

**EMERGENCY:**

A situation resulting from circumstances generally outside of the control of the City (such as disasters, "acts of God," damage likely to continue, both physical and monetary, war, threats of war, terrorism, threats of terrorism, labor strikes, and threats of labor strikes) which require prompt action to protect the public interest, health, and/or welfare.

**EMPLOYEE:**

An individual drawing a salary from the City, (whether elected or not,) and any non-compensated individual performing personal services for the City.

**EQUIPMENT:**

Items of tangible, non-expendable, personal property.

**ESTABLISHED CATALOGUE PRICE:**

Price included in a catalogue, price list, schedule, or other form that:

1. is regularly maintained by a manufacturer or contractor;
2. is either published or otherwise available for inspection by customers; and
3. states prices at which sales are currently or were last made to a significant number of any category of buyers or buyer constituting the general buying public for the supplies or services involved.

**EXPENDITURE:**

The word "expenditure" shall mean the granting of a contract, franchise or authority to another by the City, and every manner and means whereby the City disburses funds or obligates itself to disburse funds; provided, however, that "expenditure" does not include disbursement of funds to any City employee, official, agent or for the performance of personal services to the City, or for the acquisition of personal property when the procurement duplicates the price and substance of a contract for like goods or services that has been competitively bid by the State of Idaho, one of its subdivisions or an agency of the federal government. To determine the appropriate bid method for accomplishing the expenditure, the period over which funds are to be expended shall be calculated by each City department as either one year, or the exact time period, as specified by the bid documents or the contract.

**EXPENDABLE PROPERTY:**

All commodities which are ordinarily consumed or expended within one year after they are placed in use, or which are converted in the process of construction or manufacture.

**FACSIMILE (FAX):**

A facsimile (fax) qualifies as an original document for bid purposes, except in the case of checks, as long as the facsimile complies with other purchasing requirements.

**FORMAL BID (FB):**

A bid for construction, goods or services with a contemplated acquisition cost as defined in State Code Sections 67-2805(3) or 67-2806(2). Formal bids require newspaper advertisement, sealed bids, and are generally awarded by City Council. Formal Bids that total less than the acquisition cost limits as defined in State Code Section 67-2805(3) or 67-2806(2) do not require City Council approval to award.

**GOVERNMENTAL BODY:**

Any Federal, State, County, or City political entity and any department, commission, council or board thereof.

**INDEPENDENT CONTRACTOR:**

A person or firm engaged in his/her own business, who does work which would not ordinarily be done by a full-time City employee. Contracted work for the City is temporary and has a specific termination date. An independent contractor is in the business of contracting with not only the City, but other public and/or private entities.

**INFORMAL BID (IFB):**

A bid for goods or services with an estimated acquisition cost less than or equal to the amount as defined in State Code Section 67-2803(2). The award of Informal bids must be approved by the Department Head and the Purchasing Agent or designees in the form of a Purchase Order and/or contract.

**INVITATION FOR BIDS:**

All documents, whether attached or incorporated by reference, utilized for soliciting bids.

**METROPOLITAN IMPACT AREA:**

The counties of Ada, Boise, Canyon, Elmore, Gem, and Payette.

**NON-EXPENDABLE PROPERTY:**

Includes property which has continuing use as a self-contained unit; is not consumed in use; does not ordinarily become a fixture or lose its identity, nor form a component of equipment, machine, plant or other facility.

**OPEN PURCHASE ORDER:**

A blanket order, chiefly used by revolving inventory accounts (i.e. auto parts), between the City and supplier for a specific period of time and establishing certain terms and conditions under which material is delivered upon request by authorized individuals. Open Purchase Orders for informal and semi-formal procurements will be authorized at the discretion of the Purchasing Agent.

**PARTS:**

Items of personal property acquired for repair or replacement of unserviceable existing items or for preventative maintenance of equipment. Procurement rules related to equipment apply to purchases of parts. Parts lose their identity as components of equipment, machinery or other facilities.

**PERSON:**

Any business, individual, union, committee, club, other organization, or group of individuals.

**PERSONAL SERVICE CONTRACT:**

Contracts for non specialized services which are of a personal nature. Examples would be landscaping and snow removal. These differ from professional services in the nature of the service.

**PERSONAL PROPERTY:**

Includes all supplies, materials and equipment procured by the City or any of its Department's or Agencies. Personal property is generally described as easily disposable; while real property is land and fixtures that are more permanent in nature.

**PROCUREMENT/PURCHASE:**

Buying, purchasing, renting, leasing, or otherwise acquiring any supplies, services, or construction. Refers to all functions that pertain to the obtaining of any supply, service, or construction, including description of requirement, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration.

**PROFESSIONAL SERVICE CONTRACT:**

Contracts for specialized design, management, consulting or similar service contracts which traditionally are by their nature, unique. The selection process for Professional services focuses upon the qualifications of the potential vendors and upon the services offered rather than primarily upon cost, although cost is an important consideration. Examples include engineering, surveying, mapping, architecture, accounting, auditing, real estate and legal. Professional service contracts are typically obtained through written (formal or informal) Requests for Proposals.

**PROJECT MANAGER:**

The assigned departmental representative for a procurement.

**PROPERTY:**

Real Property, as distinguished from personal property, is land and improvements permanently affixed to the land.

**PURCHASING AGENT:**

The Purchasing Agent is the person assigned to manage the City's purchasing function. The Purchasing Agent may delegate specific duties to a designee(s).

**PURCHASE DESCRIPTION:**

The words used in a solicitation to describe the supplies, services, or construction to be purchased, and includes specifications attached to, or made a part of, the solicitation.

**PURCHASE ORDER:**

The vendor's authority to deliver and charge for goods or services specified in the order. It is the City's commitment for the value of goods ordered and is a contract document.

**REQUEST FOR PROPOSALS:**

All documents, whether attached or incorporated by reference, utilized for soliciting proposals, which is a competitive purchasing process for professional services. Price negotiation may take place after selection of the most qualified vendor.

**RESPONSIBLE BIDDER OR OFFERER:**

A person or firm with the demonstrated capability in all respects to perform in full, the contract requirements, and the integrity and reliability which will assure good faith performance.

**RESPONSIVE BIDDER:**

A person or firm who has submitted a bid which conforms in all material respects to the Invitation for Bids or Request for Proposal.

**SCOPE:**

The reasonable price, time, labor, purpose, location and/or materials parameters associated with a specific contract, including, but not limited to, contracts for construction, personal services contracts and purchases of any kind or nature.

**SEMI-FORMAL BID (SFB):**

A bid for construction with a contemplated acquisition cost of \$25,000, or more, and less than \$100,000, or for good or services with a contemplated acquisition cost of \$25,000, or more, and less than \$50,000. Purchase or project requests may be initiated by

a department, but the procurement will be managed by the Department of Finance and Administration.

**SIGNIFICANT ~~IDAHO~~ LOCAL ECONOMIC PRESENCE:**

To qualify as a bidder with a significant ~~Idaho~~ local economic presence, a firm must maintain in the Metropolitan Impact Area a fully staffed office ~~in Idaho~~, or fully staffed sales offices, or fully staffed sales outlets, or manufacturing facilities, or warehouses, ~~or, if a corporation and, if required,~~ be registered with the Secretary of State of Idaho to do business in Idaho.

**SURPLUS PROPERTY:**

Materials, supplies, equipment or personal property acquired for City use and which is no longer required for City use either because of obsolescence, deterioration, or other circumstances. The term does not include items acquired by the City for retail sale.

**Section 2.** That Title 1, Chapter 11, Section 3, be and the same and the same is hereby amended to read as follows:

**Section 1-11-03 RESPONSIBILITIES OF PURCHASING AGENT**

The Purchasing Agent shall perform all duties required by State Statutes and the Boise City Code and shall be responsible for coordinating the City's purchasing functions. The Purchasing Agent shall implement City purchasing, ethics, and related policy policies and control functions consistent with good purchasing management practice. The Purchasing Agent shall sell, trade, or otherwise dispose of surplus property belonging to the City.

- A. Lists of Prospective Bidders or Vendors: The Purchasing Agent shall maintain lists of prospective vendors or bidders, by the type of supplies, services or construction work, according to procedures described in the Business Operations Manual of the City of Boise as it now exists or as it may from time to time be amended in the future.
- B. Disqualification of Bidders: The Purchasing Agent, after consultation with the Department Head of the using agency and the City Attorney's Office, shall have the authority to debar a person or firm for cause from consideration for award of contracts.
- C. ~~Idaho~~ Local vendors: The City will seek bids , quotes and offers from vendors having a significant ~~Idaho~~ local economic presence ~~as required in State Code Section 67-2801.~~

**Section 3.** That Title 1, Chapter 11, Section 4, be and the same and the same is hereby amended to read as follows:

**Section 1-11-04SOURCE SELECTION AND CONTRACT FORMATION**

**A. METHODS OF SOURCE SELECTION**

1. Formal Competitive Bidding Procedures: All contemplated expenditures, except as otherwise provided herein, with an estimated cost in excess of the amount defined in State Code Sections 67-2805(3) or 67-2806(2) shall be awarded through formal, written bid procedures in compliance with the Idaho Code and consistent with the City's Business Operations Manual.
  - a. Invitation for Bids. An Invitation for Bids shall be issued and shall include a purchase description.
  - b. Bid Specification. Record containing all contractual terms and conditions applicable to a procurement.
  - c. Bid Forms. Each bid submitted shall be signed by a person authorized by the bidding entity to legally bind the bidder, contain a declaration whether or not the bidder has, at the time of submitting the bid, a significant local economic presence, and such other information required by the Purchasing Agent in the invitation for bids. Mistatement of local presence may result in disqualification of the bid or proposal by the city council.
  - ~~e~~ d Public Notice. Adequate public notice of the Invitation for Bids shall be given a reasonable time prior to the date set forth therein for the opening of bids, in accordance with State Code Sections 67-2805(3) or 67-2806(2).
  - ~~e~~ Bid Security. The City may require bid security, if deemed appropriate by the department head and Purchasing Agent, to guarantee execution of a contract by the bidder. Bid security, if required by the City, shall be an amount equal to at least five percent (5%) of the amount bid. Bid security shall be in the form of cash, cashier's check made payable to the City, certified check made payable to the City, or a bidder's bond executed by a qualified surety company, made payable to the City. If required, a bid shall not be considered unless one (1) of the forms of bid

security is enclosed with it or otherwise submitted prior to bid opening.

e.f. Bid Opening. Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the Invitation for Bids. No person shall be denied the right to be present at said bid opening. The amount of each bid, and such other relevant information as may be specified, together with the name of each bidder shall be recorded; the record and each bid shall be open to public inspection.

f.g. Bid Acceptance and Bid Evaluation.

(1) Bids, if accepted, shall be unconditionally accepted without alteration or correction, except as authorized by this Code. Typographical errors, errors in mathematical computation, and other errors of non-substantive nature may be corrected by the City prior to award. The Purchasing Agent will review with the requesting Department and the Legal Department for concurrence of any non-substantive typographical, mathematical, or other errors. Bids shall be evaluated based on the requirements set forth in the bid specifications, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose and upon other criteria in the best interests of the City. Those criteria that will affect the bid price and be considered in evaluation for award shall be, as far as reasonable, objectively measurable, such as discounts, transportation costs, and total or life cycle costs and shall be added to the bid price to determine the low, responsible bidder. The Purchasing Agent shall communicate the decision of the City to all bidders.

(2) If only one bid is received, the department and/or the Purchasing Office shall complete a price analysis and shall determine whether the bid is provided at a reasonable cost to the City. The price analysis shall become a part of the procurement file.

(3) If more than one bid is received, and all bidders declare a significant local economic presence, or, none of the bidders declare a significant local economic presence, then the Purchasing Agent

shall recommend award to the low price bidder. If the bidders both declare or do not declare a significant local economic presence, then the Purchasing Agent shall rank the bidders by price and identify those declaring a significant local economic presence. If the City Council awards to a bidder other than the low price bidder, the motion to award shall reflect the Council's reasons, which may be a preference for the local bidder.

~~g.h.~~ Multi-Step Sealed Bidding. When it is considered impractical to initially prepare a purchase description to support an award based on price, and if consistent with funding sources, a Request for Proposals may be issued requesting the submission of un-priced offers to be followed by an Invitation for Bids limited to those bidders whose offers have been qualified under the criteria set forth in the first solicitation. This process may be used to purchase very technical or specialized products/services.

~~h.i.~~ Award of Bids. Formal Bids shall be awarded by the City Council.

~~i.j.~~ An Invitation for Bids may be canceled, or any or all bids 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 therefor shall be made part of the contract file.

2. Requests For Proposal:

Professional services whose cost is expected to be \$25,000, or more, may be obtained through a Request For Proposal process. Selections for professional services shall be made on the basis of qualifications and demonstrated competence rather than primarily upon cost, although, cost is an important consideration. The City shall negotiate fair and reasonable prices for said services. Procedures for selection shall be established by the department purchasing the services in conjunction with the Purchasing Agent and technical advisor, if any. City technical advisors shall be consulted whenever professional services are being sought in an area in which they have some expertise, e.g. the City Engineer for engineering services, the City Attorney for legal services.

- a. Proposals for professional services with an estimated cost less than \$50,000 may be solicited through informal or semi-formal means as described in the City's Business Operations Manual.
- b. Proposals for professional services with a cost of \$50,000, or, more shall be solicited through formal procedures consistent with the City's Business Operations Manual. Professional service contracts for \$50,000, or more shall be approved by the Council.
- c. The Request for Proposals may state the relative importance of evaluation factors which may include price and shall require each proposal to be signed by a person authorized to legally bind the proposer and to declare whether it has a significant local economic presence.
- d. As provided in the Request for Proposals, discussions may be conducted with responsible offerors for the purpose of clarification to assure full understanding of, and responsiveness to , the solicitation requirements. The City may either select directly from proposals received or may establish a "short list" of most qualified candidates. The City may also elect to request, in writing, supplementary information after the closing date for original submissions. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing offerors.
- e. In the event a satisfactory contract cannot be negotiated with the highest ranked person or firm, negotiations with that person or firm shall be terminated and negotiations shall be initiated with the next highest ranked person or firm until a satisfactory contract is negotiated. Multiple awards shall be allowed.
- f. Award shall be made to the responsible offeror whose proposal is determined to be the most advantageous to the City taking into consideration price, whether the proposer has a significant local economic presence, and the evaluation factors set forth in the Request for Proposals. The contract file shall contain a written record of the basis on which the award is made.
- g. A Request for Proposal may be canceled, or any or all 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 therefor shall be made part of the contract file.

3. Emergency Procurement

In case of an emergency which requires immediate purchase of goods, construction or services, the following shall apply:

- a. If the estimated cost of the goods, construction or services to be purchased is less than \$25,000, the Department Head, or designated representative, may declare that such emergency exists, and procure such emergency needs as expeditiously as possible, at the lowest obtainable price. All emergency purchases shall be documented in writing by the official declaring the emergency and reported to the Purchasing Agent as soon as practicable. The Purchasing Agent will report to the City Council at its next meeting, or as soon as practicable, after receipt of the report from the official declaring the emergency.
- b. If the estimated cost is \$25,000, or more, the City Council may declare that such emergency exists, and authorize the procurement of such emergency needs as expeditiously as possible, at the lowest obtainable price. In the event a majority of the City Council is unavailable, the Mayor may declare that such emergency exist and must report to the City Council at its next meeting.
- c. In no event shall the City pay an excessive charge, as provided in Boise City Code Section 5-37-1.

4. Sole Source Purchases: For all expenditures less than \$25,000 if there is only one (1) vendor for the goods or services to be acquired, the Purchasing Agent may make a sole source declaration and authorize procurement for the vendor. For purposes of this section, "only one (1) vendor" shall refer to situations where, after surveying available sources, the Department head or designee concludes that there is only one source reasonably available, and shall include, but is not limited to: a) where the compatibility of equipment, components, accessories, computer software, replacement parts, or service is the paramount consideration; b) where a sole supplier's item is needed for trial use or testing; c) purchase of mass produced movie, video, books or other copyrighted materials; d) purchase of property for which it is determined there is no functional equivalent; e)

purchases of public utility services; f) purchase of products, merchandise or trade marked goods for resale at a city facility; or g) any other situation deemed appropriate by the Purchasing Agent for sole source declaration. Sole source declarations must be approved prior to authorizing or making the expenditure, except in the case of an emergency, as provided in Boise City Code Section 11-4-03.

5. All Other Procurements:

All other procurement not covered above shall be made in accordance and compliance with the Business Operations Manual.

B. PURCHASING AND CONTRACTING:

All purchasing and contracting shall be accomplished in the best interests of the City and in accordance with State Law and City purchasing guidelines.

1. Departments shall be responsible for anticipating needs in a timely fashion in order to consolidate and expedite procurement of the same type of supplies or construction contracts.
2. Business Operations Manual: The Business Operations Manual shall provide all procedures necessary to implement this chapter. It shall be prepared by the Purchasing Agent and approved by the Mayor. All purchases shall be made consistent with procedures described in the Business Operations Manual.

C. DOCUMENTATION OF AWARD TO LOWEST RESPONSIBLE AND RESPONSIVE BIDDER OR OFFEROR:

All contracts or award of bids shall be awarded to the lowest responsible and responsive bidder, with all costs to the City considered considered, provided that the City Council may award contracts to the bidder or offeror it determines appropriate; and, provided further, Departments may limit solicitations of bids, quotes and offers to entities with a significant local economic presence. ~~In any instance in which a bidder is declared non responsible or non responsive, and therefore ineligible for award as the lowest responsible or responsive bidder, findings of fact and conclusions of law shall be prepared as to the basis for the determination.~~

- D. AUTHORITY TO MAKE AWARDS FOR CONTRACTS, TO REJECT BIDS OR OFFERS, AND TO PROCEED IN THE EVENT OF NO BIDS OR OFFERS:
1. Award to low, responsive bidders/proposers shall be approved as follows:
    - a. For contracts for goods and services less than \$50,000 by the Purchasing Agent upon recommendation of the Department.
    - b. For contracts for goods and services of \$50,000, or more, by the Mayor and City Council.
    - c. For construction contracts less than \$100,000, by the Purchasing Agent upon recommendation of the Department.
    - d. For construction contract \$100,000, or more, by the City Council.
  2. Award to other than the low bidder or those involving special circumstances shall be approved as follows:
    - a. For contracts less than \$50,000, by the Purchasing Agent upon recommendation of the Department.
    - b. For contracts for \$50,000, or more, by the Mayor and City Council.
  3. Award of identical bids. If two (2) or more bids for a contemplated purchase are identical, the bid shall be awarded to the firm, if any, having a significant ~~Idaho~~ local economic presence ~~as provided in Idaho Code Section 67-2801~~. If all or none of the identical bids are from firms having a significant ~~Idaho~~ local economic presence, the choice shall be made by the Purchasing Agent randomly and in public.
  4. Rejection of bids or proposals. If the City has determined that it is in its best interest to reject all bids, the City Council may, after rejecting all bids, either readvertise or, finding it to be a fact, pass a resolution declaring that the procurement may be obtained in the open market. Upon adoption of the resolution, it may have the thing sought to be accomplished done in the manner stated without further compliance with this Chapter or State Code, Title 67, Chapter 28.

5. No bids. If no bids or offers are received in response to an Invitation for Bids or Request for Proposals, the City Council may make the expenditure without further compliance with this Chapter or State Code Title 67, Chapter 28.

E. WRITTEN CONTRACTS:

All contracts of \$50,000, or more, shall be in writing and shall be approved prior to execution as to form and content by the Purchasing Agent, and Department, with final approval resting with the Mayor and Council. All contracts less than \$50,000 but \$10,000, or more shall be approved prior to execution as to form and content by the Department, Purchasing Agent, and City Attorney, with signature authority resting with the Purchasing Agent. Department Heads are authorized to execute contracts and purchase orders less than \$10,000. The City Attorney, or designee, must approve all contracts as to form.

F. MULTI-YEAR CONTRACTS:

1. Specified Period. Unless otherwise provided by law, a contract for supplies or services may be entered into for any period of time deemed to be in the best interest of the City. Multi-year contracts shall have a specified term.
2. Cancellation Due to Unavailability of Funds in Succeeding Fiscal Periods. When funds are not appropriated or otherwise made available to support continuation of performance in a subsequent fiscal period, the contract shall be canceled and the contractor shall be reimbursed for the reasonable value of any non-recurring costs incurred but not amortized in the price of the supplies or services delivered under the contract. Reimbursements for the preceding costs will not be made unless they have been specifically defined in the contract. The cost of cancellation may be paid from any appropriations available for such purposes.

G. REQUIRED CONSTRUCTION CONTRACT PROVISIONS:

Every contract for \$10,000, or more, executed by the City for construction of any public works or facility for the improvement of any public right-of-way or facility shall contain the following provisions:

1. Provision requiring the contractor performing the work for the City to comply with all applicable safety rules and regulations adopted by the

Department of Labor and Employment of the Industrial Commission of the State of Idaho or adopted by the City of Boise, whichever is more restrictive.

2. Provision requiring the contractor to provide evidence of Workers Compensation Coverage and Liability Insurance naming the City as an Additional Named Insured in said Liability Insurance Policy.
3. Performance Security. A bond for the proper performance of any construction contract for any public works, improvement, or repair of public building (State Code 54-1926) is required. The performance security includes a Performance Bond in the amount of at least 50% of the contract amount. A Labor and Material Payment bond to protect subcontractors is also required for at least 50% of the contract amount. The form and legal sufficiency of a bond shall be subject to the approval of the City Attorney.
4. All other provisions required as conditions of the funding source.
5. All requirements related to public works contractors licensing set by Idaho State Code.
6. All applicable State or Federal requirements.

Construction Contracts less than \$10,000 shall be bid and awarded consistent with procedures described in the Business Operations Manual.

H. CONTRACT EXECUTION AND EFFECT OF TASK ORDERS AND CHANGE ORDERS:

Subject to the provisions of 1-11-11, if the consideration is less than \$50,000 for goods or services, or, less than \$100,000 for public works construction, contracts may be executed by the Purchasing Agent or designated representative; if the consideration is \$50,000, or more, for goods or services, or, \$100,000, or more, for public works construction, contracts shall be executed by the Mayor after approval as to form and content by the City Council. Task Orders or Change Orders on informally issued contracts which alone or in the aggregate equal or exceed \$50,000, for goods or services, or, \$100,000 for public works construction shall be approved by the City Council.

Section 4. That the Summary of Ordinance, attached hereto as exhibit "A" is approve as to form and content.

Section 5. That this Ordinance shall be in full force and effect from and after its passage, approval and publication.

**PASSED** by the Council of the City of Boise, Idaho, this \_\_\_\_\_ day of April, 2009.

**APPROVED** by the Mayor of the City of Boise, Idaho this \_\_\_\_\_ day of April, 2009.

ATTEST:

APPROVED:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

EXHIBIT "A"

**STATEMENT OF BOISE CITY ATTORNEY  
AS TO ADEQUACY OF SUMMARY  
OF ORDINANCE NO. \_\_\_\_\_**

The undersigned, James Wickham, in his capacity as Assistant City Attorney of the City of Boise City, Idaho, hereby certifies that he is a legal advisor of the City and has reviewed a copy of the attached Summary of Ordinance No. \_\_\_\_\_ of the City of Boise City, Idaho, and has found the same to be true and complete and provides adequate notice to the public pursuant to Idaho Code § 50-901A(3).

DATED this \_\_\_\_\_ day of April, 2009.

\_\_\_\_\_  
James Wickham  
Assistant Boise City Attorney

**SUMMARY OF ORDINANCE NO. \_\_\_\_\_  
OF THE CITY OF BOISE CITY, IDAHO**

**PUBLIC NOTICE IS HEREBY GIVEN** that the City of Boise City, Idaho, adopted at its regular meeting of \_\_\_\_\_, April, 2009, that Ordinance No. \_\_\_\_\_  
**\_\_\_\_\_ AMENDING TITLE 1, CHAPTER 11, BOISE CITY CODE TO IMPLEMENT AND AUTHORIZE AWARD OF CONTRACTS TO BIDDERS AND PROPOSERS WITH A SIGNIFICANT LOCAL ECONOMIC PRESENCE EVEN IF THEY ARE NOT THE LOW PRICE BIDDER OR PROPOSER; APPROVING A SUMMARY OF THE ORDINANCE AND PROVIDING AN EFFECTIVE DATE.**

The effective date of the Ordinance is the date of its passage, approval and publication. A copy of the full text of the Ordinance is available at Boise City Hall, 150 North Capitol Boulevard, in Boise, Idaho 83701. Examination may be requested in

writing or in person during regular business hours of the Finance Department, from 8:00 a.m. until 5:00 p.m. pursuant to Section 50-901A(4), Idaho Code.

DATED this \_\_\_\_\_ day of April, 2009.

ATTEST:

City of Boise City, Idaho

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR