

ORDINANCE NO. 2022-015

AN ORDINANCE AMENDING SECTION 3.02.060 OF THE CASTLE ROCK MUNICIPAL CODE REGARDING BID REQUIREMENTS FOR THE PURCHASE OF GOODS OR PROCUREMENT OF SERVICES

WHEREAS, under the Town Procurement Code, in most instances, the Town Manager has the authority to approve contracts for the purchase of goods or procurement of services in an amount up to and including \$250,000; and

WHEREAS, an exception to this general rule, however, occurs where a contract is entered into without a competitive bidding process based upon: (i) a justification that only one known source exists or that only one single supplier can fulfill the requirements (“sole source”); (ii) the existence of an emergency; or (iii) the absence of any responsive bidders (“unresponsive bidders”); and

WHEREAS, under these circumstances, Town Council must waive the requirement for formal written sealed bids on the basis of sole source, emergency or unresponsive bidders for the purchase of goods or procurement of services in excess of \$75,000; and

WHEREAS, in the interest of consistency and administrative efficiency Town staff recommends that the Town Procurement Code be amended to increase the Town Manager’s authority to waive the requirement for formal written sealed bids on the basis of sole source, emergency or unresponsive bidders for the purchase of goods or procurement of services to \$250,000.

NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO, AS FOLLOWS:

Section 1. Amendment. Section 3.02.060 of the Castle Rock Municipal Code is amended to read as follows:

3.02.060 - Bid requirements.

- A. These bid requirements apply to the purchase of goods or procurement of services which are not exempted from competitive bidding under Section 3.02.050. These bid requirements also apply to lease purchases. Lease purchase shall be valued at the capitalized cost of the item, or if none, at the total of the lease payments.
 - 1. Purchases of one thousand dollars (\$1,000.00) or less do not require bids, but Town staff is encouraged to obtain two (2) verbal bids whenever possible.
 - 2. Purchases over one thousand dollars (\$1,000.00) and up to AND INCLUDING five thousand dollars (\$5,000.00) require three (3) verbal bids unless approved by the Town Manager on the basis of sole source, emergency or unresponsive bidders.

3. Purchases over five thousand dollars (\$5,000.00) and up to seventy-five thousand dollars (\$75,000.00) require three (3) informal written bids unless approved by the Town Manager on the basis of sole source, emergency or unresponsive bidders.
4. Purchases over (\$75,000.00) require formal written sealed bids unless waived by the TOWN MANAGER FOR PURCHASES UP TO AND INCLUDING TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000.00) OR BY Town Council FOR PURCHASES OVER TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000.00) on the basis of sole source, emergency or unresponsive bidders.

B. The Town Manager may require formal written sealed bids on any purchase costing ~~less than~~ SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00) OR LESS when such requirement is considered in the best interests of the Town.

Section 2. 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 the remaining provisions of this ordinance.

Section 3. Safety Clause. The Town Council finds and declares that this ordinance is promulgated and adopted for the public health, safety and welfare and this ordinance bears a rational relation to the legislative object sought to be obtained.

APPROVED ON FIRST READING this 19th day of July, 2022 by a vote of 7 for and 0 against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2022, by the Town Council of the Town of Castle Rock by a vote of ____ for and ____ against.

ATTEST:

TOWN OF CASTLE ROCK

Lisa Anderson, Town Clerk

Jason Gray, Mayor

Approved as to form:

Approved as to content:

Michael J. Hyman, Town Attorney

Trish Muller, CPA, Director of Finance