

ORDINANCE NO. 21-03

IN ORDINANCE AMENDING THE CITY OF ELK RIDGE TITLE 1 CHAPTER 10 PROCUREMENT, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Elk Ridge has adopted the Elk Ridge City Administration Code, 1-10 Purchasing Policy.

WHEREAS, the Elk Ridge City held a public meeting on _____, 2021 at 7:00pm, for the purpose of the proposed amendment to Administration Code, 1-10 Purchasing Policy; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF ELK RIDGE CITY, UTAH, AS FOLLOWS: (red text is added text, ~~strikeout-text is deleted text~~)

1-10-1: PURPOSE:

Pursuant to Utah Code Annotated sections 10-3-702, 10-7-20, 10-8-2 and other provisions of the laws of the state of Utah, a purchasing ordinance is hereby adopted and established for the city. The underlying purpose and policies of this chapter are to:

- ~~—A. Simplify, clarify and modernize the procedure governing procurement by the city;~~
- ~~—B. Ensure the fair and equitable treatment of all persons who deal with the procurement system of the city;~~
- ~~—C. Provide increased economy in city procurement activities; and~~
- ~~—D. Foster effective broad-based competition within the free enterprise system. (Ord. 97-10-14-13, 10-14-1997)~~

1-10-2: STATE STATUTES APPLICABLE:

~~This chapter includes the following Utah Code Annotated citations either by reference, intent or both:~~

- ~~—A. Rules and Regulations: Rules and regulations shall be adopted governing the preparation and content of specifications for supplies, services and construction required by the city. Said rules shall determine the extent to which nonemployees who have prepared specifications may participate in city procurement using such rules and regulations. (Utah Code Annotated section 63-56-16)~~
- ~~—B. Purpose Of Specifications: All specifications shall seek to promote overall economy and best use for the purposes intended and encourage competition, and shall not be unduly restrictive. (Utah Code Annotated section 63-56-19)~~

~~The requirements of subsection A and B of this section shall apply to all specifications.~~

~~—C. Contracts Awarded By Sealed Bids:~~

- ~~—1. Contracts shall be awarded by competitive sealed bidding or competitive sealed proposals except for small purchases, emergency purchases, or where there is only one source for the required supply, service or construction item. (Utah Code Annotated section 63-56-21)~~
- ~~—2. An invitation for bids shall be issued when a contract is to be awarded by competitive sealed bidding. The invitation shall include a purchase description and contractual terms and conditions applicable to the procurement.~~
- ~~—3. Public notice of the invitation for bids shall be given thirty (30) days prior to the date set forth therein for the opening of bids. The notice shall include publication in a newspaper of general circulation thirty (30) days prior to bid opening.~~
- ~~—4. Bids shall be opened publicly in the presence of two (2) or more witnesses at the time and place designated in the invitation for bids. The amount of each bid and any other relevant information, together~~

with the name of each bidder, shall be recorded. The record and each bid shall be open to public inspection. Bidders shall be invited to the bid opening. The city council shall be informed of the results.

— 5. Bids shall be unconditionally accepted without alteration or correction. Bids shall be evaluated based on the requirements set forth in the invitation for bids, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery and suitability for the particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award shall be objectively measurable.

— 6. Correction or withdrawal of inadvertently erroneous bids before or after award, or cancellation of awards or contracts based on such bid mistakes, shall be permitted in accordance with city rules and regulations. After bid opening, changes in bid prices or other provisions of bid prejudicial to the interest of the city or fair competition shall not be permitted. Except as otherwise provided, all decisions to permit the correction or withdrawal of bids or to cancel awards or contracts based on bid mistakes shall be supported by a written determination made by the procurement officer. The city council shall be informed.

— 7. The contract shall be awarded with reasonable promptness by written notice to the lowest responsive and responsible bidder whose bid meets the requirements and criteria set forth in the invitation for bids.

— D. Preference Providers Of Local Product:

— 1. When awarding contracts for construction or for purchasing goods or services, the procurement officer shall grant reciprocal preference to resident contractors or Utah products from any state that gives or requires a preference to contractors or goods and services from that state. (Utah Code Annotated section 63-56-20.5)

— 2. As used in this section, "resident contractor" means a person, partnership, corporation or other business entity that:

— a. Either has its principal place of business in Utah or employs workers who are residents of this state when available; and

— b. Was transacting business on the date when bids for the public contract were first solicited.

— E. Use Of Competitive Sealed Proposals In Lieu Of Bids; Procedure:

— 1. a. When the procurement officer determines in writing that the use of competitive sealed bidding is either not practicable or not advantageous to the city, a contract may be entered into by competitive sealed proposals. The city council shall be informed.

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

— (2) The city shall assure maximum practicable competition in those procurements, including the relative importance, if any, of the fee to be charged by an offeror and the total cost.

— 2. Proposals shall be solicited through a request for proposals.

— 3. a. Proposals shall be opened so as to avoid disclosure of contents to competing offerors during the process of negotiation.

— b. A register of proposals shall be prepared and shall be open for public inspection after the contract is awarded.

— 4. The request for proposals shall state the relative importance of price and other evaluation factors.

— 5. As provided in the request for proposals, discussions may be conducted with responsible offerors who submit proposals for the purpose of assuring full understanding of, and responsiveness to, solicitation requirements.

—6. a. Award shall be made to the responsible offeror whose proposal 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.

—b. No other factors or criteria shall be used in the evaluation.

—c. The contract file shall contain the basis on which the award is made. (Utah Code Annotated section 63-56-21)

—F. Circumstance Justifying Award Of Contract Without Competition: A contract may be awarded for supply, service or construction items without competition when the procurement officer determines by written justification that there is only one source for the required supply, service or construction item. (Utah Code Annotated section 63-56-23)

—G. Emergency Procurements: Notwithstanding any other provision of this chapter, when there exists a threat to public health, welfare or safety under emergency conditions as defined in rules and regulations, the procurement officer may make or authorize others to make emergency procurements; provided, that emergency procurements shall be made with as much competition as practicable under the circumstances. A written determination of the basis for emergency and for the selection of the particular contractor shall be included in the contract file (Utah Code Annotated section 63-56-24.) The city council shall be informed as soon as possible.

—H. Cancellation And Rejection Of Bids: An invitation for bids, a request for proposals, or 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 interest of the city. The reasons shall be made part of the contract file. (Utah Code Annotated section 63-56-25)

—I. Determination Of Nonresponsibility Of Bidder: A written determination of nonresponsibility of a bidder or offeror may be made. The unreasonable failure of a bidder or offeror to promptly supply information in connection with an inquiry with respect to responsibility may be grounds for a determination of nonresponsibility with respect to the bidder or offeror. Information furnished by a bidder or offeror shall not be disclosed without prior written consent by the bidder or offeror. (Utah Code Annotated section 63-56-26)

—J. Rules And Regulations To Determine Allowable Incurred Costs: Rules and regulations may be made regarding the separate handling of small purchases. However, purchases shall not be artificially divided up so as to qualify for purchasing under the small purchases rules. (Utah Code Annotated section 63-56-28)

—K. Cost Plus A Percentage Of Cost Contract: "Cost plus a percentage of cost" contracts are prohibited. (Utah Code Annotated section 63-56-29)

—L. Period Of Time For Contract Of Supplies: Contracts for supplies and services may be entered into for any period of time deemed to be in the best interest of the city. However, the contract should state that payment and performance obligations for succeeding fiscal periods shall be subject to the availability and appropriation of funds. (Utah Code Annotated section 63-56-30)

—M. Right Of City To Inspect Place Of Business Of Contractor Or Subcontractor: The city may, at reasonable times, inspect the part of the plant or place of business of a contractor or any subcontractor which is related to the performance of any contract awarded or to be awarded by the city. (Utah Code Annotated section 63-56-31)

—N. Records Of Contracts Made: The procurement officer shall maintain a record listing all contracts made and shall maintain the record in accordance with Utah Code Annotated title 63, chapter 2, government records access and management act. The record shall contain each contractor's name, the amount and type of each contract, and a listing of the supplies, services or construction procured under each contract. (Utah Code Annotated section 63-56-34)

~~—O. Bid Security Requirements: Bid security in amount equal to at least five percent (5%) of the amount of the bid shall be required for all competitive sealed bidding for construction contracts. (Utah Code Annotated section 63-56-37)~~

~~—P. Bonds: When a construction contract is awarded, the following bonds or security shall be delivered to the city:~~

~~—1. A performance bond in an amount equal to one hundred percent (100%) of the price specified in the contract; and~~

~~—2. A payment bond in an amount equal to one hundred percent (100%) of the price specified in the contract for the protection of all persons supplying labor and material to the contractor or its subcontractors for the performance of the contract. (Utah Code Annotated section 63-56-38) (Ord. 97-10-14-13, 10-14-1997)~~

1-10-3: DEFINITIONS:

Unless the context requires otherwise, the terms as used in this chapter and the rules and regulations adopted pursuant to this chapter shall have the following meanings:

ADEQUATE APPROPRIATION BALANCE: Sufficient fund balance which must exist in the line item appropriation of the account number against which the purchase order is to be charged.

BIDDING: Procedure used to solicit quotations on price and delivery from various prospective suppliers of supplies, equipment and contractual services.

BUDGET OFFICER: The mayor or as prescribed by city ordinance.

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

CHANGE ORDER: A written order directing the contractor to suspend work or make changes, which the appropriate clauses of the contract authorize without the consent of the contractor or any written alteration in specifications, delivery point, rate of delivery, period of performance, price, quantity, or other provisions of any contract accomplished by mutual action of the parties to the contract.

CONTRACT: Any agreement for the procurement or disposal of supplies, services or construction.

CONTRACTUAL SERVICES: Public works projects and other professional services such as auditing, architects, engineers or other consulting services.

DEPARTMENT HEADS: The individual who administers a department or his/her designee as specified in writing to the purchasing officer or, in the absence of a department head, the mayor. The department head shall be responsible for maintaining a system of inventory for his/her department.

ESTIMATES OF REQUIREMENTS: Forecasts of future requirements of supplies, equipment or contractual services submitted by department heads.

INVITATION FOR BIDS: All documents, whether attached or incorporated by reference, used for soliciting bids.

LOCAL BIDDER: A firm or individual who regularly maintains a place of business and transacts business in, or maintains an inventory of merchandise for sale in, or is licensed by or pays business taxes to Elk Ridge City.

PERFORMANCE BOND: A contract of guaranty executed subsequent to award by a successful bidder to protect the city from loss due to the inability of the bidder to complete the contract as agreed.

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

PROCUREMENT: Buying, purchasing, renting, leasing, leasing with an option to purchase, or otherwise acquiring any supplies, services or construction.

PROCUREMENT OFFICER: Any person authorized to enter into and administer contracts and make written determinations with respect thereto. It also includes an authorized representative acting within the limits of authority.

PUBLIC PROPERTY: Any item of real or personal property owned by the city.

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 ORDERS: Official document used in committing city funds toward the purchase of supplies, equipment and contractual services.

REQUEST FOR PROPOSALS (RFP): All documents, whether attached or incorporated by reference, utilized for soliciting proposals.

REQUISITIONS: Standard forms used by departments providing detailed information as to quantity, description, estimated price, recommended supplier, and signature authorization for requested purchases.

RESPONSIBLE BID: An offer submitted by a responsible bidder to furnish supplies, equipment or contractual services in conformity with the specifications, delivery terms and conditions and other requirements included in the invitation for bids.

RESPONSIBLE BIDDER: A bidder who submits a responsible bid; who has furnished, when requested, information and data to prove that his financial resources, production or service facilities, service reputation and experience are adequate to make satisfactory delivery of the supplies, equipment or contractual services on which he bids; and who has not violated or attempted to violate any provisions of this chapter.

SERVICES: The furnishing of labor, time or effort by a contractor, not involving the delivery of a specific end product other than reports which are merely incidental to the required performance. It does not include employment agreements or collective bargaining agreements.

SUPPLIES, MATERIALS AND EQUIPMENT: Any and all articles or things which shall be furnished to or used by any city department. (Ord. 97-10-14-13, 10-14-1997; amd. 2003 Code)

1-10-4: ADMINISTRATION:

This chapter shall be implemented by the purchasing officer, department heads or the mayor, who shall have the authority and duty to perform the following: (Ord. 97-10-14-13, 10-14-1997; amd. 2003 Code)

—A. Administer and maintain the purchasing system and other rules and regulations established by this chapter.

—B. Recommend to the city and city council such new or revised purchasing rules and regulations as deemed desirable and in conformance with other statutory requirements and to interpret the provisions of this chapter and applicable statutes.

—C. Negotiate and recommended execution of contracts for the purchase of supplies, equipment and contractual services.

—D. With respect to public improvements, they shall work with the engineer, attorney and other professional persons retained by the city to assist in the preparation of plans and specifications, and to discharge other related duties. The professional persons may direct bid openings, conduct investigations of lowest responsible bidders, supervise construction work and perform such other tasks as are provided for by their perspective contracts.

—E. Seek to obtain full and open competition on all purchases as possible.

—F. Prescribe and maintain such forms as reasonably necessary to the operation of this chapter and other rules and regulations.

- ~~—G. Keep informed of current developments in the field of purchasing.~~
- ~~—H. Supervise the inspection of all supplies and equipment to assure conformance with specifications.~~
- ~~—I. Maintain a bidders list, vendors catalog file and other records needed for the efficient operation of the purchasing system.~~
- ~~—J. Adopt office policies governing the internal functions of the purchasing division.~~
- ~~—K. Exercise general supervision and control over all inventories or supplies belonging to the city.~~
- ~~—L. Establish and maintain programs for the inspections, testing and acceptance of supplies, services and construction.~~
- ~~—M. Prepare statistical data concerning the procurement and usage of all supplies, services and construction. (Ord. 97-10-14-13, 10-14-1997)~~

1-10-5: INTERLOCAL PURCHASING AGREEMENTS:

The city shall have the power to enter into joint purchase agreements with the state for the purchase of any commodity or service wherein it is determined by the city council to be in the best interests of the city. (Ord. 97-10-14-13, 10-14-1997)

1-10-6: PURCHASING PROCEDURES 1:

~~—A. General: Except as hereinafter provided, purchases of supplies, equipment and letting of contracts shall follow one of the following procedures.~~

~~—B. Supplies, Material And Equipment: Supplies, material and equipment; any and all articles or things which shall be furnished to or used by any city department. This purchasing classification includes items ranging from office supplies to motorized equipment.~~

~~—1. Formal Bidding: Unit or project cost in excess of twenty five thousand dollars (\$25,000.00).~~

~~Step 1. Budget Appropriation: Department receives appropriation for specific item during budget development process.~~

~~Step 2. Purchase Initiation: Department determines time during fiscal year item purchase is desired.~~

~~Step 3. Approval To Initiate Formal Process: Department head informs budget officer that department desires to make purchase. Budget officer considers budget and approves initiation of process if budget conditions allow. Budget officer informs mayor and city council of impending purchase. City council votes to approve purchases.~~

~~Step 4. Development Of Bid Specifications: Department head works with purchasing officer to determine and develop bid specifications.~~

~~Step 5. Request For Proposals: Department head and purchasing officer develop request for proposal and mails or personally delivers to all qualified bidders on bidder list.~~

~~Step 6. Formal Request For Bids: Department head and purchasing officer work with city recorder to develop formal legal notice for newspaper. City recorder places ad in newspaper of general circulation.~~

~~Step 7. Receipt Of Bids: City recorder receives sealed bids and records receipt.~~

~~Step 8. Bid Opening: Formal public bid opening is held per legal notice. Bids are read and recorded by city recorder.~~

~~Step 9. Bid Analysis: Department head and purchasing officer review and analyze bid for accuracy and pertinence. (Ord. 97-10-14-13, 10-14-1997)~~

~~Step 10. Award Of Bid: The city engineer, under the direction of the city council, informs successful bidder, prepares contract documents and initiates purchases. (Ord. 97-10-14-13, 10-14-1997; amd. 2003 Code)~~

Step 11. Consummation Of Purchase: Department head prepares requisition form and submits to purchasing in the finance department. Purchase order is issued. Once commodity is received, inspected and approved by department head, payment is made.

— 2. Open Market Bids: Unit or project cost from three hundred dollars (\$300.00) to twenty five thousand dollars (\$25,000.00).

Step 1. Budget Appropriation: Department receives general appropriations for purchases during budget process.

Step 2. Purchase Initiation: Department determines specific needs and time during fiscal year when purchase is desired. Purchase must be approved by vote of the city council. If the purchase is approved, the following will apply.

Step 3. Bid Specification: Department head works with purchasing officer, determines specific needs and develops bid specifications.

Step 4. Request For Proposals: Department head and purchasing officer develop request for proposals.

Step 5. Request For Bids: Department head and/or purchasing officer solicit bids from qualified bidders on bidders list either in writing or fax.

Step 6. Receipt Of Bids: Bids may be submitted either verbally or in writing by bidder. Bids may be submitted to either department head or purchasing officer.

Step 7. Bid Analysis: Department head and/or purchasing officer review and analyze bid for accuracy and pertinence.

Step 8. Award Of Bid: Department head and/or purchasing officer select acceptable bid and contact selected bidder.

Step 9. Consummation Of Purchases: Department head prepares requisition and submits to purchasing officer. Purchasing officer issues purchase order to vendor. Once commodity is received, inspected and approved by department head, payment is made. Purchase is listed on accounts payable and mayor and city council are informed. (Ord. 97-10-14-13, 10-14-1997)

— 3. Open Market: No bids. Unit cost from one dollar (\$1.00) to seven hundred fifty dollars (\$750.00). (Ord. 12-4, 9-25-2012, eff. 9-26-2012)

Step 1. Budget Appropriation: Department receives general appropriation for purchases during purchasing process.

Step 2. Purchase Initiation: Department determines time during fiscal year when purchase is to be initiated. (Ord. 97-10-14-13, 10-14-1997)

Step 3. Purchase Specification: Supervisors and/or purchasing officer determine(s) specific needs and desired quality/characteristics of item. Supervisors may approve purchases up to one hundred dollars (\$100.00). Purchases between one hundred dollars (\$100.00) and seven hundred fifty dollars (\$750.00) may be approved by the mayor or individual city council members over the specific department. (Ord. 12-4, 9-25-2012, eff. 9-26-2012)

Step 4. Price/Quality Checks: Department head working with purchasing officer checks price and quality from available vendors.

Step 5. Consummation Of Purchase: Department head and/or purchasing officer determines selected vendor. Purchasing officer prepares requisition and issues purchase order to vendor. Once commodity is received, inspected and approved by department, payment is made. Purchase is listed on accounts payable for review by mayor and city council.

~~—4. Exception: As an exception to subsections B1 and B2 of this section, the city shall have the authority to purchase similar items that may be available through the use of the state of Utah procurement contracts.~~

~~—C. Purchasing Procedure For Contract Services: Contract services are services provided by a licensed contractor for capital construction projects and/or professional services such as auditing, architects, engineering and other professional services. (Ord. 97-10-14-13, 10-14-1997)~~

~~—1. Formal Bidding: Capital construction projects in excess of one hundred thousand dollars (\$100,000.00).~~

~~Step 1. Budget Appropriation: Department receives appropriation for specific item during budget development process.~~

~~Step 2. Purchase Initiation: Department determines time during fiscal year item purchase is desired.~~

~~Step 3. Approval To Initiate Formal Process: Department head informs budget officer that department desires to initiate project. Department head seeks approval from the city council to initiate project. If city council approves by vote then process is initiated.~~

~~Step 4. Development Of Bid Specifications: Department head works with purchasing officer, determines specific needs and develops bid specifications.~~

~~Step 5. Request For Proposals: Department head and purchasing officer develop request for proposals.~~

~~Step 6. Formal Request For Bids; Publish: Department head and/or purchasing officer solicit bids via publication of RFP in newspaper of general circulation including references.~~

~~Step 7. Receipt Of Bids: Written sealed bids must be submitted in writing by bidder. Bids shall be submitted to city recorder's office.~~

~~Step 8. Bid Opening: Formal public bid opening is held per legal notice. Bids are read and recorded by city recorder.~~

~~Step 9. Bid Analysis: Department head and/or purchasing officer review and analyze bid for accuracy and pertinence.~~

~~Step 10. Award Of Bid: Department head, and/or purchasing officer accept bid and contact selected bidder.~~

~~Step 11. Consummation Of Project; Contract Payments: Contract payment will be made on a scheduled basis upon approval of department head and pursuant to finance department payment policy. City council will be advised of payments via accounts payable listing.~~

~~Step 12. Report Made To City Council: Report made to city council. (Ord. 07-4, 3-27-2007)~~

~~—2. Open Market Bids: Capital construction project two hundred dollars (\$200.00) to twenty four thousand nine hundred ninety nine dollars (\$24,999.00).~~

~~Step 1. Budget Appropriation: Department receives general appropriations for purchases during budget process.~~

~~Step 2. Purchase Initiation: Department determines specific needs and time during fiscal year that project should be initiated.~~

~~Step 3. Bid Specifications: Department head works with purchasing officer, determines specific needs and develops bid specifications.~~

~~Step 4. Request For Proposals: Department head and purchasing officer develop request for proposals.~~

~~Step 5. Request For Bids: Department head and/or purchasing officer solicit bids from qualified bidders on bidders list either in writing or verbally.~~

~~Step 6. Receipt Of Bids: Bids may be submitted either verbally or in writing by bidder. Bids may be submitted to either department head or purchasing officer.~~

~~Step 7. Bid Analysis: Department head and/or purchasing officer review and analyze bid for accuracy and pertinence.~~

~~Step 8. Award Of Bid: Department head and/or purchasing officer select acceptable bid and contact selected bidder.~~

~~Step 9. Consummation Of Purchase: Department head prepares requisition and submits to purchasing officer. Purchasing officer issues purchase order to vendor. Once commodity is received, inspected and approved by department head, payment is made. Purchase is listed on accounts payable roster and mayor and council are informed.~~

~~— 3. Formal Bidding: Competitive professional services.~~

~~Step 1. Budget Appropriation: Department receives specific and general appropriation for professional services during budget development process.~~

~~Step 2. Project Initiation: Department determines time during fiscal year that professional services are needed.~~

~~Step 3. Approval To Initiate Acquisition Process: Department head informs budget officer of desire to acquire professional services. Department head seeks approval from city council to initiate acquisition process. If city council approves, process is initiated.~~

~~Step 4. Development Of Specifications: Department head works with purchasing officer, determines specific needs and develops bid specifications.~~

~~Step 5. Request For Proposals: Department head and purchasing officer develop request for proposals.~~

~~Step 6. Formal Request For Bids: Department head and/or purchasing officer solicit bids for qualified bidders via publication of RFP in newspaper of general circulation.~~

~~Step 7. Receipt Of Bids: Bids must be submitted in writing by bidder. Bids may be submitted to either department head or purchasing officer.~~

~~Step 8. Bid Opening: Formal public bid opening is held per legal notice. Bids are read and recorded by city recorder.~~

~~Step 9. Bid Analysis: Department head and/or purchasing officer review and analyze bid for accuracy and pertinence.~~

~~Step 10. Award Of Bid: Department head, budget officer recommend, city council awards. Department head and/or purchasing officer contact selected bidder.~~

~~Step 11. Consummation Of Project: Contract payments will be made on a scheduled basis upon approval of department head and implementation of payment policy. City council advised of payment via accounts payable listing.~~

~~— 4. Qualification Analysis: Single source professional services.~~

~~Step 1. Budget Appropriation: Department receives general appropriation for purchases during budget process.~~

~~Step 2. Project Initiation: Department determines time during fiscal year that project should be initiated.~~

~~Step 3. Approval To Initiate Acquisition Process: Department head informs budget officer that department desires to initiate project. Department head seeks approval from city council to initiate project. If city council approves, process is initiated.~~

~~Step 4. Professional Services Specification: Department head works with purchasing officer, determines specific needs and develops specifications.~~

~~Step 5. Review Of Professional Qualification: The department head and/or purchasing officer will obtain and develop a statement of qualifications and references from sole source provider. Qualified providers will continue to be considered.~~

~~Step 6. Analysis Of Bid: Department head and/or purchasing officer review and analyze bid for accuracy and pertinence.~~

~~Step 7. Award Of Bid: Department head, budget officer recommend. Council awards, not to exceed, specific time period contract.~~

~~—D. Emergency Purchases: Purchase of supplies, material, equipment or services to mitigate a situation which creates a threat to public health, welfare or safety.~~

~~—1. Open Market: No bids. All emergency situations.~~

~~Step 1. Purchase Needs Assessments: Department head or others involved with the emergency will assess and recommend the purchase need.~~

~~Step 2. Consummation Of Purchase: Department heads or others will determine selected vendors. The mayor or his designed agent will approve purchase.~~

~~Step 3. Inform Council: The city council will be informed of all major emergency purchases as soon as possible. An emergency meeting of the city council is called or members are informed by telephone. (Ord. 97-10-14-13, 10-14-1997)~~

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Notes

1 1. See also subsection ~~4-1-4A~~ of this code for fire department purchases.

~~1-10-7: DISPOSAL OF PUBLIC PROPERTY:~~

~~All disposal, leases and/or subleases of public property of the city shall be made, as nearly possible, under the conditions and limitations that follow: (Ord. 97-10-14-13, 10-14-1997)~~

~~—A. Declaration Of Surplus: The city council shall at a regular council meeting declare all property to be surplus prior to disposal.~~

~~—B. Advertisement: The city shall advertise through public notice the sale of any property at public auction. (Ord. 97-10-14-13, 10-14-1997; amd. 2003 Code)~~

~~—C. Lease, Sublease: The city, at the direction of the city council may lease or sublease any of the city property under fair, and appropriate conditions, considering intended use and value, and the best interests of the city. (Ord. 97-10-14-13, 10-14-1997)~~

~~1-10-8: CITY PERSONNEL MAKING PROCUREMENT DECISIONS:~~

~~—A. No personnel involved in making procurement decisions on behalf of the city may have personal investments in any business entity which will create a substantial conflict between their private interests and their public duties.~~

~~—B. Any person involved in making procurement decisions on behalf of the city is guilty of a violation of Utah Code Annotated section 63-56-72 if the person asks, receives or offers to receive any emolument, gratuity, contribution, loan or reward, or any promise thereof, either for the person's own use or the use or benefit of any other person or organization. (Ord. 97-10-14-13, 10-14-1997; amd. 2003 Code)~~

~~1-10-9: PROHIBITED ACTS AND ACTIVITIES:~~

~~—A. Conflicts Of Interest: No member of the city council or city employee may violate the provisions of the municipal officers and employees ethics act, Utah Code Annotated section 10-3-1301 et seq., which~~

~~includes a prohibition against being interested directly or indirectly in any contract entered into by the city. A violation of this provision shall be cause for removal or other disciplinary action.~~

~~—B. Collusion Among Bidders: Any agreement or collusion among bidders or prospective bidders restraint of freedom of competition by agreement to bid a fixed price, or otherwise, shall render the bids of such bidders void.~~

~~—C. Advance Disclosures: Any disclosure in advance of the opening of bids, whether in response to advertising or any informal request for bids, made or permitted by a member of the city council or city employee shall render void the advertisement or request for bids.~~

~~—D. Gratuities:~~

~~—1. The acceptance of any gratuity in the form of cash, merchandise or anything of value by officials or employees of the city from any vendor or contractor, shall be deemed to be violation of this chapter and shall be cause for termination or other disciplinary action. (Ord. 97-10-14-13, 10-14-1997)~~

~~—2. Any person acting as a procurement officer for the city or who in any official capacity participates in the procurement of supplies, services, construction or real property is guilty of a violation of Utah Code Annotated section 63-56-72 if the person asks, receives or offers to receive any emolument, gratuity, contribution, loan or reward, or any promise thereof, from any person interested in the sale of such supplies, services, construction, real property, either for the person's own use or the use or benefit of any other person or organization.~~

~~—3. A person who is interested in any way in the sale of any supplies, services, construction or real property, is guilty of a violation of Utah Code Annotated section 63-56-72 if the person gives or offers to give any emolument, gratuity, contribution, loan or reward, or any promise thereof, to any person acting as a procurement officer, or who in any official capacity participates in the procurement of such supplies, services, construction, real property or insurance, whether it is given for his own use or for the use or benefit of any other person or organization. (Ord. 97-10-14-13, 10-14-1997; amd. 2003 Code)~~

~~—E. Employees In Violation: Any employee or official of the city who shall purchase any goods or services in violation of the procedures set forth in this chapter shall be subject to penalties, up and to possible termination. (Ord. 97-10-14-13, 10-14-1997)~~

CHAPTER 10 PURCHASING POLICY

1-10-1 System Adopted

Pursuant to Utah Code Annotated §§ 10-6-122, 10-8-1, §10-8-2, 63G-6a-103(58)(a), and 63G-6a-103(47)(a) and other pertinent provisions of the laws of the state of Utah, there is adopted and established a purchasing system for Elk Ridge City which shall be based on the following principles.

1-10-2 Compliance:

- A. It shall be the general policy of the city council, and the departments, agencies, committees, commissions, officials and employees of the city, to abide by the terms and provisions of this chapter.
- B. This chapter shall not prevent the city from complying with the terms and conditions of any grant, gift or bequest that is otherwise consistent with law.
- C. When procurement involves the expenditure of federal assistance funds, the city shall comply with applicable federal laws and regulations.
- D. In any such case, the spirit of this chapter shall guide the determination and actions of such person or entity.
- E. Procurements with a dollar amount of five hundred dollars (\$500.00) or less may be approved by the individual department heads.

- F. Procurements with a dollar amount greater than five hundred dollars (\$500.00) and not more than fifty thousand dollars (\$50,000.00) shall be approved by the department head and Mayor or City Clerk.
- G. For all procurements not otherwise budgeted, such determination may only be approved by the city council.

1-10-3 Definitions

Unless the context requires otherwise, the terms as used in this chapter, shall have the following meanings:

Adequate Appropriation Balance - means sufficient fund balance which must exist in the line item appropriation in the approved budget against which the purchase order is to be charged.

Bidding - means the procedure used to solicit quotations on price and delivery from various prospective suppliers of supplies, equipment and contractual services.

Bid Process - means the process used by the City to solicit and award bids or contracts. Examples of bid processes used in this chapter include formal competitive bidding, competitive sealed proposals in lieu of bids and open market procedure.

Capital Improvements Projects - means any construction which adds to or improves infrastructure or buildings of the City.

Construction - means the process of building, renovating or demolishing any public structure or building, major developmental work, or landscaping of public real property. It does not include the routine operations, routine repair, or routine maintenance of existing structures, buildings or real property.

Line Item Change Order - means changes to the quantities of existing line items with unit pricing approved according to the purchasing system.

Local Bidder - means a firm or individual who regularly maintains a place of business and transacts business in, or maintains an inventory of merchandise for sale in, or is licensed by, or pays business taxes to the City.

Professional Services - means, but not be limited to, the following: auditing, architecture, banking, insurance, engineering, appraisals, legal services, program management, and other consulting services.

Public Property - Any item of real or personal property owned by the City.

Responsible Bid - means an offer, submitted by a responsible bidder to furnish supplies, equipment or contractual services in conformity with the specifications, delivery terms and conditions, and other requirements included in the invitation for bids.

Lowest Responsible Bidder - means a person or firm who has the capability in all respects to perform fully the contract requirements and who has the integrity and reliability which will assure good faith performance. The lowest responsible bidder is a bidder who has submitted the lowest bid to furnish supplies or contractual services to the City, and who meets the standards set forth in this definition. The lowest responsible bidder's bid shall comply with the specifications, delivery terms and conditions, and other qualifications and requirements included in the invitation for bids, and shall be accompanied by any bonds required by the City or other applicable law. In determining the lowest responsible bidder, the City shall give primary emphasis to bid price, but may also consider the following items in addition to the actual bid price:

1. The ability, capacity, experience and skill of the bidder to perform the service required.
2. Whether the bidder can perform the contract or provide his or her services within the time specified.
3. The quality and performance of previous services by the bidder, either to the City or another entity.
4. Quality, availability and adaptability of the supplies or contractual services to the particular use required.
5. The ability of the bidder to provide future maintenance and service.
6. The number and scope of conditions attached to the bid or price quotation.
7. The maintenance history of the product, the parts and service costs of the product, existing inventory, mechanic's expertise, and ease of maintenance.

All bidders shall furnish information and data requested by the City that will assist the City in determining whether or not a particular bidder is the "lowest responsible bidder".

Responsive Bid - A bidder or offeror who submits a response to an invitation for bids or a request for proposals that conforms in all material respects to the invitation for bids or request for proposals.

State Bid List - means an approved cooperative contract through the Utah Division of Purchasing.

Supplies, Materials and Equipment - means any tangible and all articles of personal property or things which shall be furnished to or used by any City department or by any City employee in the performance of his or her duties. For purposes of brevity, supplies, materials and equipment shall hereafter be collectively referred to as "supplies".

1-10-4 Administration

The Mayor or City Clerk, shall function as the chief procurement officer for the City, shall administer the purchasing system provided by this chapter, and shall perform the duties and have the powers concerning purchasing as follows:

- A. Administer and maintain the purchasing system;
- B. Recommend to the City such new or revised purchasing requirements as deemed desirable and in conformance with other statutory requirements;
- C. Negotiate and recommend execution of contracts for the purchase of supplies, equipment and contractual services;
- D. Seek to obtain as full and open competition as possible on all purchases;
- E. Keep informed of current developments in the field of purchasing, i.e., prices, market conditions, new products, etc.;
- F. Prescribe and maintain such forms as are reasonably necessary to the operation of this chapter and other rules and regulations;
- G. Supervise the inspection of all supplies and equipment to assure conformance with specifications;
- H. Transfer surplus or unused supplies and equipment between departments as needed;
- I. Maintain a bidders' list, vendors' catalog file, and other records needed for the efficient operation of the purchasing system.

1-10-5 Bid Process

The City shall substantially comply with the following guidelines for the specific bid process used:

A. Formal Competitive Bidding.

1. **Notice Inviting Bids Issued.** Notice includes a general description of the articles to be purchased or the work to be performed, the location where bid plans and specifications may be secured, and the time and place for opening bids. The notice inviting bids shall be:
 - a. In cases involving building improvements or public works projects over the bid limit as defined in Utah Code Ann. §11-39-101 by requests for bids or proposals. Such notice shall be published twice (2) in a newspaper of general circulation within the City at least fourteen (14) days before the date of the opening of the bids and shall be posted on an electronic bid page which is accessible to large numbers of potential bidders. At the discretion of the City, the notice inviting bids may be delivered to all known responsible prospective bidders, including those whose names are on a bidders' list or who have made a written request that their names be added to the bidders' list
 - b. In cases involving building improvements or public works projects less than the bid limit defined in Utah Code Ann. § 11-39-101, or the purchase of any supplies, materials and equipment:
 - I. The City may perform the work itself,
 - II. The City may purchase off the State Bid List, or,

- III. Bid requests may be delivered to all known responsible prospective bidders and/or suppliers, including those whose names are on a bidders' list or who have made a written request that their names be added to the bidders' list, or post on an electronic bid page which is accessible to large numbers of potential bidders.
2. **State Bid List.** If there is a quotation for the item desired to be purchased on the State Division of Purchasing cooperative contracts ("Bid List"), the City may invite prospective bidders to bid against the price quoted in the State Bid List.
3. **Bid Procedure**
 - a. Sealed bids shall be submitted as designated in the notice with the statement "Bid for (item or project)" on the envelope.
 - b. Bids shall be opened in public at the time and place stated in the notice.
 - c. A tabulation of all bids received shall be open for public inspection during regular business hours for a period of not less than thirty (30) days after the bid opening.
 - d. Bids submitted to the City shall be evaluated on the basis of compliance with specifications and other relevant criteria.
4. **Bid Award.** Bids shall be awarded or rejected as set forth in Section 1-10-7.
- B. **Competitive Sealed Proposals in Lieu of Bids (RFP)** This process may only be used when the Mayor or City Clerk determines that the use of formal competitive bidding is either impractical or not advantageous to the City, or for professional service contracts.
 1. **Notice.**
 - a. Public notice of the request for proposals shall be given by publication twice in a newspaper, magazine or journal likely to give notice to qualified proposers, bidders or suppliers fourteen (14) days prior to the date of opening the proposals, and
 - b. Notice shall be posted on an electronic bid page which is accessible to large numbers of potential bidders.
 2. **Request for Proposals.** The RFP shall state the relative importance of price and other evaluating factors.
 3. **Opening of Proposals.**
 - a. Proposals shall be opened so as to avoid disclosure of contents to competing proposers during the process of negotiation.
 - b. A register of proposals shall be maintained by the City for thirty (30) days after the contract award and shall be open for public inspection.
 4. **Revision of Proposals.**
 - a. As provided in the request for proposals, discussions may be conducted with responsible bidders who submit proposals determined to be reasonably susceptible of being selected for award. The purpose of the discussion is to assure full understanding of and responsiveness to the solicitation requirements.
 - b. Proposers shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals. Any revision may be permitted after submissions and prior to award for the purpose of obtaining best and final offers.
 - c. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing bidders.
 5. **Award of Proposal.** Award shall be made to the responsible proposer whose proposal is determined to be the most advantageous to the City, taking into consideration the evaluation factors set forth in the request for proposals, and other criteria set forth herein. The City may further negotiate terms in order to comply with budgets, specific services/products sought, and other matters beneficial to the City. The award shall be in accordance with Section 1-10-7.
- C. **Open Market Procedure**
 1. Supplies may be purchased through supplier accounts the City has opened with various vendors. Employees are encouraged to use sales events for those common supplies sold through various public vendors.

2. Purchases shall be based on at least three (3) bids (price quotations) and shall be awarded to the lowest responsible bidder.
3. Bids (price quotations) shall be solicited from prospective vendors by written or oral request.
4. The Mayor or City Clerk may approve purchases on the open market.

1-10-6 Choice of Bid Process

Except as otherwise provided in this Chapter or by provisions of State or Federal law, purchases of supplies, services, or equipment shall follow one of the bid or RFP processes outlined below for the appropriate dollar amount. In cases where more than one alternative is listed as acceptable for a given dollar amount, any of the listed alternatives shall be acceptable. The City shall not incur any liability for choosing one alternative over another. The choices of bid process are as follows:

- A. Purchases in excess of fifty thousand dollars (\$50,000.00) shall be pursuant to one of the following procedures:
 1. State Bid.
 2. Formal competitive bidding, with the requirement of publishing notice.
 3. Competitive sealed proposals in lieu of bids.
- B. Purchases greater than two thousand five hundred dollars (\$2,500.00) but not more than fifty thousand dollars (\$50,000.00) shall be pursuant to one of the following procedures:
 1. State Bid.
 2. Formal competitive bidding, without the requirement of publishing notice.
 3. Competitive sealed proposals in lieu of bids.
 4. Open market procedure (3 written bids).
- C. For purchases of \$2,500.00 or less, all bid processes and price solicitation procedures may be dispensed with.

1-10-07 Awarding of Bids and RFP's

A. **Bids/Purchases in Relation to Budget.** Except as otherwise required by law, building improvement or public works projects and supplies, services, and equipment, no more than 10% in excess of the appropriation balance, and within the scope of the project, as budgeted by the City Council, may be accepted and awarded by the Mayor or City Clerk. Bids which exceed the budgeted amounts by more than 10% of the appropriation balance must be approved and awarded by the City Council.

B. **Professional Services.** Contracts for professional services in an estimated amount that exceeds the appropriation balance by no more than 10%, and within the scope of or related to the project, as budgeted by the City Council, may be accepted and awarded by the Mayor or City Clerk. Proposals which exceed the budgeted amounts by more than 10% of the appropriation balance must be approved and awarded by the City Council.

C. **Rejection of Bids.** The City Council or the Mayor or City Clerk, or others authorized to accept and award bids may reject any and all bids presented, and may resolicit for bids as set forth in this Chapter.

D. **Lowest Responsible Bidder.** Except as otherwise allowed or required, the City shall award the contract or bid to the lowest responsible bidder.

E. **Negotiation of Bids.** Where a bid exceeds available funds and time or economic considerations preclude re-solicitation of work or purchase of a reduced scope or quantity, the Mayor or City Clerk may negotiate an adjustment of the bid price, including changes in the bid requirements, with the lowest responsible bidder, in order to bring the low bid within the amount of available funds.

F. **Tie Bids.** If two (2) or more of the bids received are for the same total amount or list price, quality and service being equal, the Mayor or City Clerk may negotiate with the bidders and obtain the best bid possible and/or give a preference to a local bidder.

G. **Single Bids.** The Mayor or City Clerk may require a price or cost analysis if only one bid is received. The bidder may be required to furnish a detailed cost proposal, and the bid award shall be subject to subsequent negotiation.

H. **Bonds.** Before entering a contract, the City shall have authority to require performance, payment, or other bonds in such amounts as deemed necessary to protect the interests of the City. The types and amounts of the bonds to be required shall be described in the notice inviting bids.

I. **Change orders.** Change orders which increase the contract price in an amount up to 10% of the contract amount may be approved by the Mayor or City Clerk, as long as the overall project budget is not exceeded by 10% of the contract price, and provided further that the sum of all change orders does not increase the contract price by more than 10% of the contract amount. Line item change orders may be approved by the Mayor or City Clerk as long as the overall project budget is not exceeded by more than 10% of the contract price.

1-10-8 Exceptions to Bidding Requirements

Unless otherwise required by State or Federal law, the bid process requirements set forth in Section 1-10-5 do not apply in the following situations.

A. **Professional service contracts**

1. Professional services shall include, but not be limited to, the following:
2. auditing, architecture, banking, insurance, engineering, appraisals, legal services, program management, and other consulting services. Professional service contracts shall be awarded based on professional qualifications, service ability, cost of service, and other criteria deemed important by the City.
3. A professional services contract for the annual fiscal year financial audit shall only be awarded by the City Council. This contract may be awarded for multiple years. The performance of the auditing firm may be reviewed periodically to determine whether to continue the contract or put it back out to bid.

B. **Contracts Not Suited to Competitive Bidding.** Contracts, which by their nature are not suited to award by competitive bidding, shall not be subject to the competitive bidding requirements of Section 1-10-5. These contracts include, but are not necessarily limited to:

1. Contracts for items which may only be purchased from a single or sole source.
2. Contracts for additions to and repairs and maintenance of equipment owned by the City which may be more efficiently added to, repaired or maintained by a particular person or firm.
3. Contracts for equipment which, by reason of the training of City personnel or the inventory of replacement parts maintained by the City, is more compatible with the existing equipment owned by the City.

C. **Cooperative Purchasing Agreements.** The City shall have the power to enter into joint or cooperative purchase agreements with any or all other public agencies within the state or out of state for the purchase of any commodity or service, whenever it is determined by the City Council to be in the best interest of the City.

D. **Auction, Closeout, Bankruptcy Sales.** If the Mayor or City Clerk determines that supplies, materials or equipment can be purchased at any public auction, closeout sale, bankruptcy sale or other similar sale, and if the City Finance Director or his/her City Clerk finds that a purchase at any such auction or sale will be made at a cost below the market cost in the county, a contract or contracts may be let, or the purchase made, without complying with the competitive bidding requirements of this Chapter.

E. **Surplus.** The City may purchase items from the Utah Division of Purchasing and General Services Surplus Property or other surplus property agencies or clearinghouses.

F. **Exchanges.** Exchanges of supplies, material or equipment between the City and any other public agency which are not by sale or auction shall be by mutual agreement of the respective public agencies.

G. **Projects Performed by City Employees.** City employees may be used to complete City projects, provided that the City complies with State statutory requirements governing contracts for building improvements and public works projects.

H. **State Bid List.** The City may purchase supplies from the vendor who has submitted the lowest bid price for such items to the State of Utah Purchasing Office at the quoted price, without any solicitation or price quotation or invitation to bid. For such purposes, the quoted price shall be

deemed to be the lowest price available for such items and the City need not follow any other bidding requirements.

- I. **Utah Correctional Industries Division.** Goods and services produced by the Utah Correctional Industries Division may be purchased from the Utah Correctional Industries Division without following any of the bidding requirements set forth herein.
- J. **Emergency Purchases.** Notwithstanding any other section of this Chapter, competitive bidding may be suspended in the event of an emergency when supplies, services, and/or contracts are needed immediately in order to respond to the emergency. A state of emergency must have been declared by the Mayor, Public Safety Director, City Engineer, or Public Works Director, or their next in command if they are not available. In order to suspend competitive bidding, the emergency must require immediate action and/or response in order to protect the life, health, or safety of persons or property, or, in the event of an improvement bond forfeiture, the need to complete the bonded improvements in a certain time frame, given all factors, including weather considerations.
- K. **Lack of Response.** In cases where, despite the best efforts of City employees to obtain three written bids, fewer than three written bids are obtained, the lowest written bid obtained may be used.

1-10-9 Penalties

- A. It is unlawful:
 - 1. For any bidder or prospective bidder, or any employee or officer thereof, in restraint of freedom of competition or otherwise, by agreement with any other person, bidder, or prospective bidder, to bid a fixed price, or to "rotate" bidding practices among competitors.
 - 2. For any person to offer or to give to any elected official, officer or employee of the City or any member of his immediate family, any gift, whether in the form of money, services, loan, travel, entertainment, hospitality, promise, or other form, under circumstances in which it could reasonably be intended to influence him/her or could reasonably be expected to influence him/her in his/her duties concerning the award of any contract or order of purchase, or for any elected official, officer or employee to directly or indirectly solicit or directly or indirectly accept any such gift for such purpose.
 - 3. For any elected official, officer or employee to disclose, in advance of the opening of the bids, the content of any bid invited through the formal competitive bidding procedure.
 - 4. For any elected official, officer or employee to actively participate in the awarding of a contract from which s/he will directly benefit, without fully disclosing any interest s/he has therein.
 - 5. For any elected official, officer or employee or other person to appropriate for personal or private use any item of public property.
 - 6. To purchase supplies or equipment for the personal use of any elected official, officer or employee unless the item or items are required parts of a worker's equipment and are necessary to the successful performance of the duties of such official, officer or employee. Other personal purchases shall not be permitted and will be cause for disciplinary action.
- B. The following contracts are, in the discretion of the Mayor or his/her City Clerk, voidable:
 - 1. Contracts which result from a conflict of interest under this Chapter or other applicable law.
 - 2. Contracts awarded to a person or firm that tried to influence the award of such contract by offering something of value to any elected official, officer or employee.
- C. A violation of this section by a City employee shall be cause for disciplinary action. A violation of this section by an elected official shall be malfeasance in office.

Passed and duly adopted this ____ day of _____, 2021.

Ty Ellis, MAYOR

Councilmember Nelson Abbott
Councilmember Tricia Thomas
Councilmember Jared Peterson
Councilmember Jim Chase
Councilmember Cory Thompson

Voted YES
Voted YES
Voted YES
Voted YES
Voted Absent

ATTEST:

ROYCE SWENSEN
Elk Ridge City Recorder

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, ROYCE SWENSEN, City Recorder of the City of Elk Ridge, Utah, do hereby certify and declare that the above and foregoing is a true, full, and correct copy of

Ordinance #_____, passed by the City Council of the City of Elk Ridge, Utah, on the
___ day of _____, 2021, entitled

“AN ORDINANCE OF THE ELK RIDGE CITY COUNCIL AMENDING PURCHASING POLICY”

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Elk Ridge City Utah this ____ day of _____, 2021.

ROYCE SWENSEN
Elk Ridge City Recorder

AFFIDAVIT OF POSTING

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, ROYCE SWENSEN, City Recorder of the City of Elk Ridge, Utah, do hereby certify and declare that I posted in three (3) public places Ordinance #_____, which is attached hereto on the ____ day of _____ 2021.

The three places are as follows:

1. The Elk Ridge City Office, 80 E Park Drive
2. The Elk Ridge Public Works Building, 645 W. Goosenest Drive
3. The pole located at 11200 South and North Twilight Way

I further certify that copies of the ordinance so posted were true and correct copies of said ordinance.

ROYCE SWENSEN
Elk Ridge City Recorder

The foregoing instrument was acknowledged before me this ____ day of _____, 2021, by ROYCE SWENSEN.

My Commission Expires:

Notary Public

Residing at: Utah County