

ORDINANCE NO. 101, 2018
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING SECTION 8-158 OF THE CODE OF THE CITY OF FORT COLLINS
PERTAINING TO THE CITY'S PROCUREMENT OF SERVICES FOR AN
ANNUAL INDEPENDENT AUDIT OF THE CITY'S FINANCIAL RECORDS

WHEREAS, the City Council is required by Section 17 in City Charter Article II to provide an annual independent audit of the City's books and accounts conducted by a public accounting firm; and

WHEREAS, City Code Section 8-158 sets out the process by which such accounting services, as well as similar professional services, are procured by the City through competitive sealed proposals; and

WHEREAS, this procurement process is typically conducted administratively by the City's Purchasing Agent and other City staff, but because of the requirements in Section 17 of Charter Article II that the City Council provide for an annual independent audit, this process has historically been conducted, with assistance from the Purchasing Agent, by the Council Finance Committee reviewing the proposals and conducting the interviews of the offerors in a public meeting and making a recommendation to City Council, with the Council then making the final decision in a public meeting to select the firm; and

WHEREAS, this Ordinance amends Code Section 8-158 to take into account that this process will occur in public meetings because it is being conducted by the Council Finance Committee and the City Council; and

WHEREAS, this Ordinance is necessary for the public's health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Section 8-158 of the Code of the City of Fort Collins is hereby amended to read:

Sec. 8-158. - Competitive sealed proposals.

(a) Procurements for the following are eligible for award by competitive sealed proposals:

(1) Materials and services when the Purchasing Agent determines in writing that the use of competitive sealed bidding is either not practicable or not advantageous to the City;

- (2) Professional services; and
 - (3) City improvements when the Purchasing Agent determines that the use of alternative delivery methods will provide substantial benefit to the City while retaining sufficient competitive pricing and/or performance.
- (b) Procurements accomplished pursuant to this Section shall be solicited through a request for proposals.
- (c) Public notice shall be given and shall include the proposal title, place, date and time of proposal opening.
- (d) Except as provided in paragraph (m) of this Section, proposals shall be opened so as to avoid disclosure of contents to competing offerors during the process of negotiation.
- (e) A register of proposals shall be maintained containing the name of each offeror and shall be open for public inspection after the award of the contract in the office of the Purchasing Agent in the same manner as are other public records.
- (f) The request for proposals shall state evaluation factors and their relative importance.
- (g) After proposal opening, interviews may be conducted with the highest ranked responsible offeror or offerors for the purpose of clarification and to assure full understanding of, and responsiveness to, solicitation requirements. Offerors selected for interview shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals. Revisions may be permitted after submissions and prior to award in order to reflect clarifications in the proposal's scope of work or contract amount.
- (h) Except as provided in paragraph (m) of this Section, in conducting interviews, there shall be no disclosure by the City or any officer, employee or committee thereof, of any information derived from proposals submitted by competing offerors, nor shall there be any disclosure of information discussed by the evaluation committee in selecting the highest ranked offeror(s).
- (i) After the contract has been awarded and a written contract executed with the selected offeror(s), the total points of the evaluation committee will be retained by the Purchasing Agent for a period of time consistent with the City's record retention policy.
- (j) Except as provided in paragraph (m) of this Section, individual rating sheets and notes prepared or utilized by members of the evaluation committee shall not be made available for public inspection.
- (k) The contract shall be awarded with reasonable promptness by written notice to the responsible offeror whose proposal is determined in writing to be the most advantageous

to the City, taking into consideration the evaluation factors set forth in the request for proposals. No other factors or criteria shall be used in the evaluation.

(l) The Purchasing Agent is authorized to negotiate the final price and precise scope of work with the selected offeror.

(m) If the proposals are for the services of a public accounting firm to conduct the annual independent audit of the City's books and accounts as required in Section 17 of Charter Article II, those proposals shall be reviewed and the interviews conducted by the City Council or a committee of the Council in a public meeting and the selection by Council shall be conducted in a public meeting. In conducting such review, interviews and selection, the City Council and committees of the Council shall not be subject to the provisions in paragraphs (d), (h) and (j) of this Section.

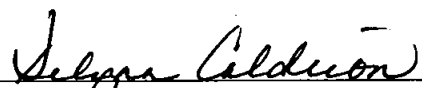
(n) No public accounting firm selected to conduct the City's annual independent audit shall be eligible to be selected under this Section to conduct that audit for more than two (2) consecutive five (5) year terms. In addition, any firm conducting the audit for five (5) consecutive years shall not be eligible to participate in a new competitive sealed proposal and be selected unless the firm assigns a new lead partner to conduct the audit under the new contract with a term of one (1) to five (5) years.

Introduced, considered favorably on first reading, and ordered published this 17th day of July, A.D. 2018, and to be presented for final passage on the 21st day of August, A.D. 2018.



Mayor Pro Tem


ATTEST:



City Clerk



Passed and adopted on final reading on the 21st day of August, A.D. 2018.



Mayor

ATTEST:



City Clerk

