

RESOLUTION 05-R-737

A RESOLUTION OF THE CITY OF BROOKINGS ADOPTING PUBLIC CONTRACTING RULES AND PRESCRIBING RULES OF PROCEDURE FOR PUBLIC CONTRACTING.

WHEREAS, the City of Brookings ("City") is a municipal corporation which is subject to Oregon's public contracting rules; and

WHEREAS, in 2003 the Oregon Legislature substantially revised the Oregon Public Contracting Code, and most of these revisions will take effect March 1, 2005; and

WHEREAS, of March 1, 2005 the City's existing public contracting rules will become void, and the City is required to adopt new public contracting rules consistent with the revised Public Contracting Code; and

WHEREAS, ORS 279A.065(5) provides that a local contracting agency may adopt its own rules of procedure for public contract that:

(A) Specifically state that the model rules adopted by the Attorney General do not apply to the contracting agency; and

(B) Prescribe the rules of procedure that the contracting agency will use for public contracts, which may include portions of the model rules adopted by the Attorney General;

WHEREAS, the City desires to repeal all previous resolutions regarding the City's public contracting rules;

NOW, THEREFORE, BE IT RESOLVED:


1. That, except as otherwise provided herein, the City hereby adopts the provisions of ORS 279A, 279B and 279C and the Oregon Attorney General's Model Public Contracting Rules ("Model Rules") as the contracting rules for the City, as such Model Rules now exist or are later modified.

2. That the City affirmatively adopts the public contracting rules described in Exhibit A which is attached to this Resolution and incorporated hereby by reference. The Rules described in Exhibit A shall be in addition to, and shall supersede any conflicting provisions in, the Model Rules.

3. That the City shall regularly review changes in the Public Contracting Code and the Model Rules to ensure that the Rules adopted in Exhibit A are consistent with current law.

The foregoing Resolution was duly adopted by the City of Brookings, Oregon on the 25th day of April, 2005. The effective date of this resolution is April 25, 2005.

PASSED by the council and signed by the Mayor this 25th day of April, 2005.



Mayor

ATTEST:

By: 

Paul Hughes, City Recorder

Exhibit A

1. Public Contracts – City of Brookings Policy.

- A. **Short Title.** The provisions of Resolution and all rules adopted under this Resolution may be cited as the City of Brookings’s Public Contracting Regulations.
- B. **Purpose of Public Contracting Regulations.** It is the policy of the City of Brookings in adopting the Public Contracting Regulations to utilize public contracting practices and methods that maximize the efficient use of public resources and the purchasing power of public funds by:
- (1) Promoting impartial and open competition;
 - (2) Using solicitation materials that are complete and contain a clear statement of contract specifications and requirements; and
 - (3) Taking full advantage of evolving procurement methods that suit the contracting needs of the City of Brookings as they emerge within various industries.
- C. **Interpretation of Public Contracting Rules.** In furtherance of the purpose of the objectives set forth in subsection B, it is the City of Brookings’s intent that the City of Brookings Public Contracting Regulations be interpreted to authorize the full use of all contracting powers and authorities described in ORS Chapters 279A, 279B and 279C.

2. Application of Public Contracting Regulations.

In accordance with ORS 279A.025, the City of Brookings’s public contracting regulations and the Oregon Public Contracting Code do not apply to the following classes of contracts.

- A. **Between Governments.** Contracts between the City of Brookings and a public body or agency of the State of Oregon or its political subdivisions, or between the City of Brookings and an agency of the federal government.
- B. **Grants.** A grant contract is an agreement under which the City of Brookings is either a grantee or a grantor of moneys, property or other assistance, including loans, loan guarantees, credit enhancements, gifts, bequests, commodities or other assets, for the purpose of supporting or stimulating a program or activity of the grantee and in which no substantial involvement by the grantor is anticipated in the program or activity other than involvement associated with monitoring compliance with the grant conditions. *The making or receiving of a grant is not a public contract subject to the Oregon Public Contracting Code; however, any grant made by City of Brookings for the purpose of constructing a public improvement or public works project shall impose conditions on the grantee that*

ensure that expenditures of the grant to design or construct the public improvement or public works project are made in accordance with the Oregon Public Contracting Code and these regulations.

- C. **Legal Witnesses and Consultants.** Contracts for professional or expert witnesses or consultants to provide services or testimony relating to existing or potential litigation or legal matters in which the City of Brookings is or may become interested.
- D. **Real Property.** Acquisitions or disposals of real property or interests in real property.
- E. **Textbooks.** Contracts for the procurement or distribution of textbooks.
- F. **Oregon Corrections Enterprises.** Procurements from an Oregon corrections enterprises program.
- G. **Finance.** Contracts, agreements or other documents entered into, issued or established in connection with:
 - (1) The incurring of debt by the City of Brookings, including any associated contracts, agreements or other documents, regardless of whether the obligations that the contracts, agreements or other documents establish are general, special or limited;
 - (2) The making of program loans and similar extensions or advances of funds, aid or assistance by the City of Brookings to a public or private Person for the purpose of carrying out, promoting or sustaining activities or programs authorized by law other than for the construction of public works or public improvements;
 - (3) The investment of funds by the City of Brookings as authorized by law, or
 - (4) Banking, money management or other predominantly financial transactions of the City of Brookings that, by their character, cannot practically be established under the competitive contractor selection procedures, based upon findings.
- H. **Employee Benefits.** Contracts for employee benefit plans as provided in ORS 243.105(1), 243.125 (4), 243.221, 243.275, 243.291, 243.303 and 243.565.
- I. **Exempt Under State Laws.** Any other public contracting specifically exempted from the Oregon Public Contracting Code by another provision of law.
- J. **Federal Law.** Except as otherwise expressly provided in ORS 279C.800 to 279C.870, applicable federal statutes and regulations govern when federal funds

are involved and the federal statutes or regulations conflict with any provision of the Oregon Public Contracting Code or these regulations, or require additional conditions in public contracts not authorized by the Oregon Public Contracting Code or these regulations.

3. Public Contracts – Regulation by City of Brookings.

Except as expressly delegated under these regulations, the City of Brookings reserves to itself the exercise of all of the duties and authority of a contract review board *and a contracting agency* under state law, including, but not limited to, the power and authority to:

A. **Solicitation Methods Applicable to Contracts.** Approve the use of contracting methods and exemptions from contracting methods for a specific contract or certain classes of contracts;

B. **Brand Name Specifications.** Exempt the use of brand name specifications for public improvement contracts;

C. **Waiver of Performance and Payment Bonds.** Approve the partial or complete waiver of the requirement for the delivery of a performance or payment bond for construction of a public improvement, other than in cases of emergencies;

D. **Electronic Advertisement of Public Improvement Contracts.** Authorize the use of electronic advertisements for public improvement contracts in lieu of publication in a newspaper of general circulation;

E. **Rulemaking.** Adopt contracting rules under ORS 279A.065 and ORS 279A.070 including, without limitation, rules for the procurement, management, disposal and control of goods, services, personal services and public improvements; and

F. **Award.** Award all contracts that exceed the authority of the Purchasing Manager.

4. Public Contracts - Authority of Purchasing Manager.

A. **General Authority.** The City Manager shall be the purchasing manager for the City of Brookings and is hereby authorized to make purchases for goods or services up to the sum of \$5,000 without obtaining quotes and without any other approval. The City Manager is authorized to make purchases for goods and services not to exceed \$25,000 after attempting to obtain three oral or written quotes without any other approval. A written record shall be maintained of the actual oral or written quotes or the attempt to obtain oral or written quotes.

B. **Delegation of Purchasing Manager's Authority.** Any of the responsibilities or

authorities of the purchasing manager under this Resolution may be delegated.

C. **Mandatory Review of Rules.** Whenever the Oregon State Legislative Assembly enacts laws that cause the attorney general to modify its Model Rules, the City of Brookings shall review the Public Contracting Regulations, other than the Model Rules, and recommend to the City of Brookings any modifications.

5. **Public Contracts – Definitions.** The following terms used in these regulations shall have the meanings set forth below.

Award means the selection of a person to provide goods, services or public improvements under a public contract. The award of a contract is not binding on the City of Brookings until the contract is executed and delivered by the City of Brookings.

Bid means a binding, sealed, written offer to provide goods, services or public improvements for a specified price or prices.

Contract price means the total amount paid or to be paid under a contract, including any approved alternates, and any fully executed change orders or amendments.

Contract review board or local contract review board means the City of Brookings City Council.

Cooperative procurement means a procurement conducted by or on behalf of one or more contracting agencies.

Disposal means any arrangement for the transfer of property by the City of Brookings under which the City of Brookings relinquishes ownership.

Emergency means circumstances that create a substantial risk of loss, damage or interruption of services or a substantial threat to property, public health, welfare or safety; and require prompt execution of a contract to remedy the condition.

Energy savings performance contract means a contract with a qualified energy service company for the identification, evaluation, recommendation, design and construction of energy conservation measures that guarantee energy savings or performance.

Findings are the statements of fact that provide justification for a determination. Findings may include, but are not limited to, information regarding operation, budget and financial data; public benefits; cost savings; competition in public contracts; quality and aesthetic considerations, value engineering; specialized expertise needed; public safety; market conditions; technical complexity; availability, performance and funding sources.

Goods means any item or combination of supplies, equipment, materials or other personal property, including any tangible, intangible and intellectual property and rights

and licenses in relation thereto.

Informal solicitation means a solicitation made in accordance with the City of Brookings's Public Contracting Regulations to a limited number of potential contractors, in which the City of Brookings attempts to obtain at least three written or oral quotes or proposals.

Invitation to bid means a publicly advertised request for competitive sealed bids.

Model Rules means the public contracting rules adopted by the Attorney General under ORS 279A.065.

Offeror means a person who submits a bid, quote or proposal to enter into a public contract with the City of Brookings.

Oregon Public Contracting Code means ORS chapters 279A, 279B and 279C.

Person means a natural person or any other private or governmental entity, having the legal capacity to enter into a binding contract.

Proposal means a binding offer to provide goods, services or public improvements with the understanding that acceptance will depend on the evaluation of factors other than, or in addition to, price. A Proposal may be made in response to a request for proposals or under an informal solicitation.

Personal services contract means a contract with an independent contractor predominantly for services that require special training or certification, skill, technical, creative, professional or communication skills or talents, unique and specialized knowledge, or the exercise of judgment skills, and for which the quality of the service depends on attributes that are unique to the service provider. Such services include, but are not limited to, the services of architects, engineers, land surveyors, attorneys, auditors and other licensed professionals, artists, designers, computer programmers, performers, consultants and property managers. The City of Brookings shall have discretion to determine whether additional types of services not specifically mentioned in this paragraph fit within the definition of personal services.

Public contract means a sale or other disposal, or a purchase, lease, rental or other acquisition, by the City of Brookings of personal property, services, including personal services, public improvements, public works, minor alterations, or ordinary repair or maintenance necessary to preserve a public improvement.

Public improvement means a project for construction, reconstruction or major renovation on real property by or for the City of Brookings. "Public improvement" does not include:

- (1) Projects for which no funds of the City of Brookings are directly or indirectly

used, except for participation that is incidental or related primarily to project design or inspection; or

- (2) Emergency work, minor alteration, ordinary repair or maintenance necessary to preserve a public improvement.

Purchasing Manager means the City Manager or designee appointed by the City of Brookings to exercise the authority of the purchasing manager under these public contracting regulations.

Qualified pool means a pool of vendors who are pre-qualified to compete for the award of contracts for certain types of contracts or to provide certain types of services.

Quote means a price offer made in response to an informal or qualified pool solicitation to provide goods, services or public improvements.

Request for proposals means a publicly advertised request for sealed competitive proposals.

Services means and includes all types of services (including construction labor) other than personal services.

Solicitation means an invitation to one or more potential contractors to submit a bid, proposal, quote, statement of qualifications or letter of interest to the City of Brookings with respect to a proposed project, procurement or other contracting opportunity. The word "solicitation" also refers to the process by which the City of Brookings requests, receives and evaluates potential contractors and awards public contracts.

Solicitation documents means all informational materials issued by the City of Brookings for a solicitation, including, but not limited to advertisements, instructions, submission requirements and schedules, award criteria, contract terms and specifications, and all laws, regulations and documents incorporated by reference.

Standards of responsibility means the qualifications of eligibility for award of a public contract. An offeror meets the standards of responsibility if the offeror has:

- (1) Available the appropriate financial, material, equipment, facility and personnel resources and expertise, or ability to obtain the resources and expertise, necessary to indicate the capability of the offeror to meet all contractual responsibilities;
- (2) A satisfactory record of performance. The City of Brookings shall document the record of performance of an offeror if the City of Brookings finds the offeror to be not responsible under this paragraph;
- (3) A satisfactory record of integrity. The City of Brookings shall document the record of integrity of an offeror if the City of Brookings finds the offeror to be not responsible under this paragraph;

- (4) Qualified legally to contract with the City of Brookings;
- (5) Supplied all necessary information in connection with the inquiry concerning responsibility. If an offeror fails to promptly supply information requested by the City of Brookings concerning responsibility, the City of Brookings shall base the determination of responsibility upon any available information or may find the offeror non-responsible; and
- (6) Not been debarred by the City of Brookings, and, in the case of public improvement contracts, has not been listed by the Construction Contractors Board as a contractor who is not qualified to hold a public improvement contract.

Surplus property means personal property owned by the City of Brookings which is no longer needed for use by the department to which such property has been assigned.

6. Public Contracts - Solicitation Methods for Classes of Contracts. The following classes of public contracts and the method(s) that are approved for the award of each of the classes are hereby established by the City of Brookings.

A. Public Improvement Contracts.

- (1) **Any Public Improvement.** Unless otherwise provided in these regulations or approved for a special exemption, public improvement contracts in an amount in excess of \$50,000 may be issued only under an invitation to bid.
- (2) **City-Funded Privately-Constructed Public Improvements.** The City of Brookings may contribute funding to a privately-constructed public improvement project without subjecting the project to competitive solicitation requirements if all of the following conditions are met with respect to the entire public improvement project:
 - (a) The City of Brookings makes a finding that it is in the best interest of the City of Brookings to contribute to the project;
 - (b) The City of Brookings must comply with all applicable laws concerning the reporting of the project to the Bureau of Labor and Industries as a public works project;
 - (c) The general contractor for the project must agree in writing to comply with all applicable laws concerning reporting and payment of prevailing wages for the project;
 - (d) The funds contributed to the project may not provide a

pecuniary benefit to the owner of the development for which the project is being constructed, other than benefits that are shared by all members of the community;

(e) The performance of the general contractor and the payment of labor for the project must be secured by performance and payment bonds or other cash-equivalent security that is acceptable to the City of Brookings to protect the City of Brookings against defective performance and claims for payment; and

(f) The contract for construction of the project must be amended, as necessary, to require the general contractor to maintain adequate workers compensation and liability insurance and to protect and provide indemnification to the City of Brookings for all claims for payment, injury or property damage arising from or related to the construction of the project.

B. Personal Services Contracts.

- (1) **Any Personal Services Contract.** Personal services contracts in any amount may be awarded under a publicly advertised request for competitive sealed proposals.
- (2) **Personal Service Contracts Not Exceeding \$25,000.** Contracts for personal services for which the estimated contract price does not exceed \$25,000 may be awarded using an informal solicitation for proposals.
- (3) **Personal Service Contracts for Continuation of Work.** Contracts of not more than \$25,000 for the continuation of work by a contractor who performed preliminary studies, analysis or planning for the work under a prior contract may be awarded without competition if the prior contract was awarded under a competitive process and the City of Brookings determines that use of the original contractor will significantly reduce the costs of, or risks associated with, the work.

C. Hybrid Contracts. The following classes of contracts include elements of construction of public improvements as well as personal services and may be awarded under a request for proposals, unless exempt from competitive solicitation.

- (1) **Design/Build and CM/GC Contracts.** Contracts for the construction of public improvements using a design/build or construction manager/general contractor construction method shall be awarded under a request for proposals. The determination to construct a project using a design/build or construction manager/general contractor construction method must be approved by the City of Brookings, based upon facts that support a finding that the construction of the improvement under the proposed method is

likely to result in cost savings, higher quality, reduced errors, or other benefits to the City of Brookings.

- (2) **Energy Savings Performance Contracts.** Unless the contract qualifies for award under another classification, contractors for energy savings performance contracts shall be selected under a request for proposals in accordance with the City of Brookings's Public Contracting Regulations.

D. Contracts for Goods and Services.

- (1) **Any Procurement.** The procurement of goods or services, or goods and services in any amount may be made under either an invitation to bid or a request for proposals.
- (2) **Procurements Between \$5,000 and \$25,000.** The procurement of goods or services for which the estimated contract price is between \$5,000 and \$25,000 may be made after attempting to obtain three oral or written quotes.
- (3) **Procurements Between \$25,001 and \$100,000.** The procurement of goods or services for which the estimated contract price is between \$25,001 and \$100,000 may be made after attempting to obtain three oral or written quotes and will require the approval of the Contract Review Board.

E. Contracts Subject to Award at City's Discretion. The following classes of contracts may be awarded in any manner which the City of Brookings deems appropriate to the City of Brookings's needs, including by direct appointment or purchase.

- (1) **Advertising.** Contracts for the placing of notice or advertisements in any medium.
- (2) **Amendments.** Contract amendments shall not be considered to be separate contracts if made in accordance with the Public Contracting Regulations.
- (3) **Animals.** Contracts for the purchase of animals.
- (4) **Contracts Up to \$5,000.** Contracts of any type for which the contract price does not exceed \$5,000.
- (5) **Copyrighted Materials; Library Materials.** Contracts for the acquisition of materials entitled to copyright, including, but not limited to works of art and design, literature and music, or materials even if not entitled to copyright, purchased for use as library lending materials.
- (6) **Equipment Repair.** Contracts for equipment repair or overhauling,

provided the service or parts required are unknown and the cost cannot be determined without extensive preliminary dismantling or testing.

- (7) **Government Regulated Items.** Contracts for the purchase of items for which prices or selection of suppliers are regulated by a governmental authority.
- (8) **Insurance.** Insurance and service contracts as provided for under ORS 414.115, 414.125, 414.135 and 414.145.
 - (9) **Non-Owned Property.** Contracts or arrangements for the sale or other disposal of abandoned property or other personal property not owned by the City of Brookings.
- (10) **Sole Source Contracts.** Contracts for goods or services which are available from a single source may be awarded without competition.
- (11) **Specialty Goods for Resale.** Contracts for the purchase of specialty goods by City of Brookings for resale to consumers.
- (12) **Sponsor Agreements.** Sponsorship agreements, under which the City of Brookings receives a gift or donation in exchange for recognition of the donor.
- (13) **Structures.** Contracts for the disposal of structures located on City of Brookings-owned property.
- (14) **Renewals.** Contracts that are being renewed in accordance with their terms are not considered to be newly issued Contracts and are not subject to competitive procurement procedures.
- (15) **Temporary Extensions or Renewals.** Contracts for a single period of one year or less, for the temporary extension or renewal of an expiring and non-renewable, or recently expired, contract, other than a contract for public improvements.
- (16) **Temporary Use of City-Owned Property.** The City of Brookings may negotiate and enter into a license, permit or other contract for the temporary use of City of Brookings owned property without using a competitive selection process if:
 - (a) The contract results from an unsolicited proposal to the City of Brookings based on the unique attributes of the property or the unique needs of the proposer;
 - (b) The proposed use of the property is consistent with the City of Brookings's use of the property and the public interest; and

(c) The City of Brookings reserves the right to terminate the contract without penalty, in the event that the City of Brookings determines that the contract is no longer consistent with the City of Brookings's present or planned use of the property or the public interest.

(17) **Used Property.** The City of Brookings may contract for the purchase of used property by negotiation if such property is suitable for the City of Brookings's needs and can be purchased for a lower cost than substantially similarly new property. For this purpose the cost of used property shall be based upon the life-cycle cost of the property over the period for which the property will be used by the City of Brookings. The City of Brookings shall record the findings that support the purchase.

(18) **Utilities.** Contracts for the purchase of steam, power, heat, water, telecommunications services, and other utilities.

F. **Contracts Required by Emergency Circumstances.**

(1) **In General.** When the City of Brookings determines that immediate execution of a contract within the City of Brookings's authority is necessary to prevent substantial damage or injury to persons or property, the City may execute the contract without competitive selection and award or City approval, but, where time permits, the City shall attempt to use competitive price and quality evaluation before selecting an emergency contractor.

(2) **Reporting.** The City of Brookings shall, as soon as possible, in light of the emergency circumstances, (1) document the nature of the emergency; the method used for selection of the particular contractor and the reason why the selection method was deemed in the best interest of the City of Brookings and the public.

(3) **Emergency Public Improvement Contracts.** A public improvement contract may only be awarded under emergency circumstances if the City of Brookings has made a written declaration of emergency. Any Public Improvement Contract award under emergency conditions must be awarded within 60 Days following the declaration of an emergency unless the City of Brookings grants an extension of the emergency period. Where the time delay needed to obtain a payment or performance bond for the contract could result in injury or substantial property damage, the City of Brookings may waive the requirement for all or a portion of required performance and payment bonds.

G. **Federal Purchasing Programs.** Goods and services may be purchased without competitive procedures under a local government purchasing program administered by the United States General Services Administration (“GSA”) as provided in this subsection.

- (1) The procurement must be made in accordance with procedures established by GSA for procurements by local governments, and under purchase orders or contracts submitted to and approved by the City of Brookings.
- (2) The price of the goods or services must be established under price agreements between the federally approved vendor and GSA.
- (3) The price of the goods or services must be less than the price at which such goods or services are available under state or local cooperative purchasing programs that are available to the City of Brookings.
- (4) If a single purchase of goods or services exceeds \$25,000, the City of Brookings must obtain informal written quotes or proposals from at least two additional vendors (if reasonably available) and find, in writing, that the goods or services offered by GSA represent the best value for the City of Brookings. This paragraph does not apply to the purchase of equipment manufactured or sold solely for military or law enforcement purposes.

H. **Cooperative Procurement Contracts.** Cooperative procurements may be made without competitive solicitation as provided in the Oregon Public Contracting Code.

I. **Surplus Property.**

- (1) **General Methods.** Surplus property may be disposed of by any of the following methods upon a determination by the Purchasing Manager that the method of disposal is in the best interest of the City of Brookings. Factors that may be considered by the Purchasing Manager include costs of sale, administrative costs, and public benefits to the City of Brookings. The Purchasing Manager shall maintain a record of the reason for the disposal method selected, and the manner of disposal, including the name of the person to whom the surplus property was transferred.
 - (a) **Governments.** Without competition, by transfer or sale to another City of Brookings department or public agency.
 - (b) **Auction.** By publicly advertised auction to the highest bidder.
 - (c) **Bids.** By public advertised invitation to bid.

(d) **Liquidation Sale.** By liquidation sale using a commercially recognized third-party liquidator selected in accordance with rules for the award of personal services contracts.

(e) **Fixed Price Sale.** The Purchasing Manager may establish a selling price based upon an independent appraisal or published schedule of values generally accepted by the insurance industry, schedule and advertise a sale date, and sell to the first buyer meeting the sales terms.

(f) **Trade-In.** By trade-in, in conjunction with acquisition of other price-based items under a competitive solicitation. The solicitation shall require the offer to state the total value assigned to the surplus property to be traded.

(g) **Donation.** By donation to any organization operating within or providing a service to residents of the City of Brookings which is recognized by the Internal Revenue Service as an organization described in section 501(c)(3) of the Internal Revenue Code of 1986, as amended.

- (2) **Disposal of Property with Minimal Value.** Surplus property which has a value of less than \$500, or for which the costs of sale are likely to exceed sale proceeds may be disposed of by any means determined to be cost-effective, including by disposal as waste. The official making the disposal shall make a record of the value of the item and the manner of disposal.
- (3) **Restriction on Sale to City Employees.** City employees shall not be restricted from competing, as members of the public, for the purchase of publicly sold surplus property, but shall not be permitted to offer to purchase property to be sold to the first qualifying bidder until at least three days after the first date on which notice of the sale is first publicly advertised.
- (6) **Conveyance to Purchaser.** Upon the consummation of a sale of surplus personal property, the City of Brookings shall make, execute and deliver, a bill of sale signed on behalf of the City of Brookings, conveying the property in question to the purchaser and delivering possession, or the right to take possession, of the property to the purchaser.

7. **Public Contracts - Informal Solicitation Procedures.** The City of Brookings may use the following procedure for informal solicitations in lieu of the procedures set forth in the Model Rules.

A. **Informally Solicited Quotes and Proposals.**

- (1) **Solicitation of Offers.** The City of Brookings shall deliver or otherwise

make available to potential offerors, a written scope of work, a description of how quotes or proposals are to be submitted and description of the criteria for award.

- (2) **Award.** The City of Brookings shall attempt to obtain a minimum of three written quotes or proposals before making an award. If the award is made solely on the basis of price, the City of Brookings shall award the contract to the responsible offeror that submits the lowest responsive quote. If the award is based on criteria other than, or in addition to, price, the City of Brookings shall award the contract to the responsible offeror that will best serve the interest of the City of Brookings, based on the criteria for award.
- (3) **Records.** A written record of all persons solicited and offers received shall be maintained. If three offers cannot be obtained, a lesser number will suffice, provided that a written record is made of the effort to obtain the quotes.