

First Reading: April 6, 2021
Second Reading: April 13, 2021

ORDINANCE NO. 13663

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE,
PART II, CHAPTER 2, SECTION 2-554, COMPETITIVE
SEALED PROPOSALS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA,
TENNESSEE:

SECTION 1. That Chattanooga City Code, Part II, Chapter 2, Section 2-554, be amended
by deleting same in its entirety and substituting in lieu thereof the following:

Sec. 2-554. - Competitive sealed proposals.

(a) The Purchasing Agent may recommend to the governing body to use competitive sealed proposals to purchase goods and services rather than competitive sealed bids after determining that the use of competitive sealed bidding is either not practicable or not advantageous for the City. In actual emergencies caused by unforeseen circumstances, such as natural or human-made disasters, delays by contractors, delays in transportation, or unanticipated volume of work, purchases through competitive sealed proposals may be made without specific authorizing action of the City Council. A record of any emergency purchase shall be made by the Purchasing Agent when authorizing the emergency purchase, specifying the amount paid, the items and services purchased, from whom the purchase was made, and the nature of the emergency. A report of the emergency purchase through competitive sealed proposals containing all relevant information shall be made as soon as possible by the Purchasing Agent to the City Council.

(b) In the decision to use competitive sealed proposals, the governing body shall follow the criteria set forth in this section for purchasing through competitive sealed proposals and procedures.

(c) Competitive sealed proposals may be used only when City Council determines qualifications, experience, or competence are more important than price in making the purchase and:

- (1) When there is more than one (1) solution to a purchasing issue and the competitive sealed proposals will assist in choosing the best solution; or

- (2) When there is no readily identifiable solution to a purchasing issue and the competitive sealed proposals will assist in identifying one (1) or more solutions.

(d) The City Council shall adopt as part of its procurement code a process to guide the City Council and Purchasing Agent in making purchases through requests for competitive sealed proposals. The model procurement code shall contain provisions allowing an aggrieved respondent to protest the intended award to another respondent if the protest is filed within seven (7) calendar days after the intended award is announced. The protest shall be filed with and decided by the municipal governing body.

(e) Adequate public notice of the request for competitive sealed proposals shall be given in the same manner provided for competitive sealed bids.

(f) Competitive sealed proposals shall be opened in a manner that avoids disclosure of contents to competing proposers during the negotiation. The proposals shall be open for public inspection after the intent to award the contract to a particular proposer is announced.

(g) The request for competitive sealed proposals shall be reviewed and approved by City Council prior to issuance and state the relative importance of price and other evaluation factors.

(h) As provided in the request for competitive sealed proposals and in the Procurement Instructional Manual, discussions may be conducted for clarification to assure full understanding of, and responsiveness to, the solicitation requirements with responsible proposers who submit proposals determined by the Purchasing Agent to be reasonably susceptible of being selected. The proposers shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals, and revisions may be permitted after submission and before the intent to award to a particular proposer is announced to obtain the best and final offers. In conducting discussions, the Purchasing Agent and other City personnel shall make no disclosure to any proposer of any information derived from proposals submitted by competing proposers.

(i) The competitive sealed proposal award shall be made to the responsible proposer whose proposal the City Council determines is the most advantageous to the City, taking into consideration price and the evaluation factors set out in the request for competitive sealed proposals. No other factor may be used in the evaluation. The Purchasing Agent shall place in the contract file a statement containing the basis on which the award was made.

(Code 1986, § 2-354; Ord. No. 9590, § 1, 8-6-91; Ord. No. 9654, § 2, 1-6-92; Ord. No. 10903, § 1, 9-14-99; Ord. No. 11103, § 2, 11-28-00; Ord. No. 12676, § 1, 12-18-12)


SECTION 2. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two (2) weeks from and after its passage.

Passed on second and final reading: April 13, 2021



CHAIRPERSON

APPROVED: DISAPPROVED:



MAYOR

PAN/HB/mem/v4