

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND PART II,  
CHATTANOOGA CITY CODE, CHAPTER 2, ARTICLE  
V, SECTION 2-554, RELATIVE TO PURCHASING  
AND COMPETITIVE SEALED PROPOSALS.

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SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Part II, Chattanooga City Code, Chapter 2, Article V, is hereby amended by adding a new appropriately designated Section 2-554 and re-numbering the Sections following the new Section 2-554:

**Sec. 2-554. Competitive sealed proposals.**

- (a) The purchasing agent may 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.
- (b) In the decision to use competitive sealed proposals, the purchasing agent shall follow the purchasing manual.
- (c) Competitive sealed proposals may be used only when qualifications, experience, or competence are more important than price in making the purchase and:
  - (1) When there is more than one 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) Adequate public notice of the request for competitive sealed proposals shall be given in the same manner provided for competitive sealed bids.

- (e) 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.
- (f) The request for competitive sealed proposals shall state the relative importance of price and other evaluation factors.
- (g) As provided in the request for competitive sealed proposals and in the purchasing 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.
- (h) The competitive sealed bid award shall be made to the responsible proposer whose proposal the purchasing agent, subject to approval of the City Council as necessary, 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 and factors set forth for competitive sealed bids to determine the lowest responsible proposer. 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.

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

\_\_\_\_\_, 2012. \_\_\_\_\_

CHAIRPERSON

APPROVED: \_\_\_\_\_ DISAPPROVED: \_\_\_\_\_

DATE: \_\_\_\_\_, 2012.

/mms

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MAYOR