

Chapter 3

ADMINISTRATION

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Article 3-1 Officers in General

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- 3-1-1 Officers**
- 3-1-2 Additional Officers**
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- 3-1-4 Vacancies; Holding More Than One Office**
- 3-1-5 Additional Powers and Duties**

Section 3-1-1 Officers

There are hereby created the offices of city manager, city clerk, police chief, city engineer, city attorney, city treasurer, civil preparedness officer, zoning administrator and city magistrate who shall be appointed by the council and who shall service at the pleasure of the council, with the exception of the city magistrate who shall serve a term of two years.

Section 3-1-2 Additional Officers

The council may appoint and remove from time to time such other officers as it may deem necessary and that are not provided for in this code or state statute.

Section 3-1-3 Bond

The council may require each officer of the city to give bond for the due discharge of his duties in such sums and with such security as it may direct and approve as determined by reso-

lution. The city shall pay the costs of such bond.

Section 3-1-4 Vacancies; Holding More Than One Office

Any vacancy that shall occur in any city office shall be filled by appointment by the council, provided that one person may hold more than one office and that at the discretion of the council, the functions of a city official may be validly performed and discharged by a deputy or another city official, or an otherwise qualified individual not holding office but employed at the pleasure of the council.

Section 3-1-5 Additional Powers and Duties

In addition to any powers and duties prescribed in this code, each officer shall have such further powers, perform such further duties and hold such other office as may be provided by the council through ordinance, resolution or order.

Article 3-2 Officers

Sections:

- 3-2-1 City Manager**
- 3-2-2 City Clerk**
- 3-2-3 Police Chief**
- 3-2-4 City Engineer**
- 3-2-5 City Attorney**
- 3-2-6 City Magistrate**
- 3-2-7 City Treasurer**

Section 3-2-1 City Manager

A. Office Created. The office of the city manager is hereby created and established. The city manager shall be appointed by the council wholly on the basis of his administrative and executive ability and qualifications and shall hold office for and at the pleasure of the council.

B. Bond. The city manager shall furnish a corporate surety bond to be approved by the

council in such sum as may be determined by the council, and shall be conditioned upon the faithful performance of the duties imposed upon the manager as herein prescribed. Any premium for such bond shall be a proper charge against the city.

C. Compensation. The manager shall receive such compensation as the council shall fix from time to time.

D. Removal Procedure. The manager may be removed from office by a majority plus one vote of all the councilmembers then holding office. If requested, in writing, the council shall grant him a public hearing within thirty days following notice of removal.

E. Powers and Duties. The city manager shall be the administrative head of the city government under the direction and control of the council. He shall be responsible to the council for the proper administration of all affairs of the city. In addition to his general powers as administrative head and not as a limitation thereof, he shall have the following additional powers and duties:

1. Appoint and, when necessary for the good of the city, suspend or remove all officers and employees of the city not appointed by the council. He may authorize the head of a department or office to appoint, suspend or remove subordinates in such office or department.

2. Supervise the work of the city clerk, city engineer, city planner, city attorney and city prosecutor and provide for a written evaluation of each on an annual basis to be provided to the city council for consideration. This subsection does not change the contracting or hiring procedures for the city clerk, city engineer, city planner, city attorney and city prosecutor.

3. Review the operation of the city court and organize a written evaluation of the city magistrate with input from those having personal knowledge of court operations including, but not limited to, the city manager, city

prosecutor, defense attorneys, court reporters, sheriff's deputies, and others who have appeared in the court. The review shall be conducted on an annual basis and shall be provided to the city council for consideration. This subsection does not change the contracting or hiring procedures for the city magistrate.

4. Prepare the budget annually and submit it to the council together with a message describing the important features and be responsible for its administration after adoption.

5. Prepare and submit to the council at the end of each fiscal year a complete report on the finances and administrative activities of the city during the preceding year.

6. Keep the council advised of the financial condition and future needs of the city and make such recommendations as he may deem desirable.

7. Recommend to the council a standard schedule of pay for each appointive office and position in the city service. Authorize the payment of overtime pay for eligible employees who work in excess of a normal work period. Such rates of pay and periods of work shall be in conformance with wages and salaries enacted by the council.

8. Recommend to the council from time to time adoption of such measures which he may deem necessary or expedient for the health, safety or welfare of the community or for the improvement of administrative services.

9. Consolidate or combine offices, positions, departments or units under his jurisdiction with the approval of the council. The manager may be the head of one or more departments.

10. Attend all meetings of the council unless excused therefrom and take part in the discussion of all matters coming before the council. He shall be entitled to notice of all regular and special meetings of the council.

11. Supervise the purchase of all materials, supplies and equipment for which funds are provided in the budget; let contracts necessary for operation or maintenance of city services, subject to the requirements of Article 3-4. Receive sealed bids for purchases or contracts and present them to the council for approval, and advise the council on the advantages or disadvantages of contract and bid proposals. The manager may issue such rules governing purchasing procedures within the administrative organization as the council shall approve.

12. In case of accident, disaster or other circumstances creating a public emergency, the manager may award contracts and make purchases for the purpose of meeting said emergency; but he shall file promptly with the council a certificate showing such emergency and the necessity for such action, together with an itemized account of expenditures.

13. See that all laws and ordinances are duly enforced.

14. Investigate the affairs of the city and any department or division thereof. Investigate all complaints in relation to matters concerning the administration of the city government and in regard to service maintained by the public utilities in the city, and see that all franchises, permits and privileges granted by the city are faithfully observed.

15. Perform such other duties as may be required by the council which are not inconsistent with state law or city ordinances.

F. Council to Act Through Manager. Except for the purpose of inquiry, the council and its members shall deal with the administrative branch solely through the manager, and neither the council nor any member thereof shall give orders to any subordinate of the manager either publicly or privately.

However, by council action individual councilmembers may be assigned specific administrative duties. In such cases the city manager shall make provisions for the appropriate staff members to work with such coun-

cilmembers. Specific authority and responsibilities shall be defined by the council. The city manager shall be kept informed regarding the administrative actions in the same manner as with any staff person and shall work with the councilmember to prevent duplication of effort or conflict of responsibility. (Ord. 07-119 § 1; Ord. 04-98 § 1)

Section 3-2-2 City Clerk

A. Records. The clerk shall keep a true and correct record of all business transacted by the council and any other records that either pertain to the business of the city or that the council directs. The clerk shall number, plainly label and file separately in a suitable cabinet all resolutions, ordinances, notices, deeds, surveys, leases, paid and unpaid vouchers, inventories, letters, orders and other documents of whatever nature.

B. Public Inspection of Records. The clerk shall keep convenient for public inspection all public records and public documents under his control, as provided by state statute.

C. Minutes. The clerk shall prepare or cause to be prepared all minutes of council proceedings and ensure their correctness and accuracy.

D. Ordinances, Resolutions, Budgets and Notices. The clerk shall process, record, file, publish and, if required by state statute, post all ordinances, resolutions, budgets and notices that may be passed by the council.

E. Election Official. The clerk shall be the city election official and perform those duties required by state statute.

F. Licenses. The clerk shall issue or cause to be issued all licenses that may be prescribed by state statute or this code.

G. Administrative Duties. The clerk shall perform those administrative responsibilities and duties that are conferred upon him by the council in addition to those specified in this code.

Section 3-2-3 Police Chief

The chief of police shall perform duties as may be required of him by law and as the council may deem necessary. The council may obtain police protection services through contract.

Section 3-2-4 City Engineer

The engineer shall have charge of the city streets and shall perform such duties as may be required of him by law and such other duties as the council may deem necessary. The council may obtain city engineering service through a contract.

Section 3-2-5 City Attorney

The attorney shall act as the legal counselor and advisor of the council and other officials and, as such, shall give his opinion in writing when requested. He shall draft all deeds, contracts, conveyances, ordinances, resolutions and other legal instruments when required by the council. He shall approve as to form, in writing, all drafts of contracts and all official or other bonds before final approval or acceptance thereof by the council. He shall return, within ten days, all ordinances and resolutions submitted to him for consideration by the council, with his approval or disapproval as to form noted thereon, together with his reasons therefor. He shall prosecute and defend all suits, actions or causes where the city is a party, and shall report to the council, when required, the condition of any suit or action to which the city is a party. The council may obtain city attorney services through a contract.

Section 3-2-6 City Magistrate

The city magistrate shall be the presiding officer of the magistrate court and shall be selected by the council and shall perform those functions necessary to the maintenance of the magistrate court as provided by state statute.

The city magistrate may be appointed through a contract.

Section 3-2-7 City Treasurer

The clerk shall hold the office of the city treasurer and receive and safely keep all monies that shall come to the city and pay out the same when authorized by the council. He shall keep a separate record and account of each different fund provided by the council, apportion the monies received among the different funds as prescribed by the council, and keep a complete set of books showing: every money transaction of the city, the state of each fund, from what source the money in each fund was derived and for what purpose expended, and he shall make monthly reports to the council of all receipts and disbursements and the balance in each fund. At the end of the fiscal year he shall make a full and detailed statement of the receipts and expenditures of the city during the year, specifying the different sources of revenue and the amount received from each, all appropriations made by the mayor and council, and the object for which they were made, and the amount of money expended under each, the evidences of indebtedness issued, and what portion remains thereof outstanding, with the rate and amount of interest due thereon, and the amount of cash on hand. The clerk shall delegate the duties of the treasurer to the finance director, who shall have the care, control and custody of the money of the city.

Article 3-3 Personnel System**Sections:**

- 3-3-1 Personnel Policy Manual**
- 3-3-2 Conditions of Employment**
- 3-3-3 Political Activity**

Section 3-3-1 Personnel Policy Manual

The council may adopt by resolution rules and regulations to give effect to this article,

which may be modified or changed from time to time, but such rules and regulations shall follow the generally accepted principles of good personnel administration.

**Section 3-3-2 Conditions of
 Employment**

A. The appointment, promotion and tenure of every employee shall be conditioned solely on merit and fitness and the satisfactory performance of the duties and responsibilities assigned. No employee or applicant for employment shall be discriminated against on the basis of race, color, religion, sex, political affiliation or handicapped status.

B. As a condition of an offer of employment, rehire or a promotion for a position involving a fiduciary responsibility or direct contact with minors or incapacitated adults, the city may require the successful completion of a state and federal criminal records check. If so stated in the job description, the applicant shall submit a full set of fingerprints to the human resources administrator or designee for the purpose of obtaining a state and federal criminal records check. This check shall be done in accordance with subsection (D) of this section.

C. Each person applying for a volunteer coaching position with the city shall submit a full set of fingerprints to the human resources administrator for the purpose of obtaining a state and federal criminal records check. This check shall be done in accordance with subsection (D) of this section.

D. The human resources administrator or designee shall forward fingerprints accompanied by appropriate fees to the state Department of Public Safety for the purpose of seeking criminal history information on such applicant pursuant to A.R.S. § 41-1750 and Public Law 92-544. The Department of Public Safety may exchange this fingerprint data with the Federal Bureau of Investigation. Information obtained shall be used only for the purpose

of evaluating the fitness of prospective employees or volunteers of the city and shall otherwise remain confidential. (Ord. 09-148 § 1)

Section 3-3-3 Political Activity

A. No officer or employee of the city shall directly or indirectly solicit or receive or be in any manner concerned in soliciting or receiving any assessment, subscription or contribution on

behalf of any candidate for City of Litchfield Park elective office from any person holding a position with the city.

B. No person holding a position with the city, except elected officials, shall take any part in political management, affairs or campaigns in any election for City of Litchfield Park elective office other than to vote and privately express opinions.

Article 3-4 Purchasing

Sections:

- 3-4-1 In General**
- 3-4-2 Award by Council**
- 3-4-3 Definitions**
- 3-4-4 Purchasing Authority**
- 3-4-5 Unauthorized Purchases**
- 3-4-6 Public Works Projects**
- 3-4-7 Formal Purchase Procedure**
- 3-4-8 Change Orders**
- 3-4-9 Forms**
- 3-4-10 Surplus Supplies and Equipment**

Section 3-4-1 In General

The city manager shall be the purchasing agent for the city. No purchase or contract for services of any kind or description, payment for which is to be made from funds of the city, shall be made by the purchasing agent, or any officer, employee or agent of the city, except in the manner set forth in this article, and unless said purchase is in accordance with the adopted city budget.

A. Under \$2,000. Whenever any contemplated purchase of commodities or contract for services is for the sum of less than \$2,000, the purchasing agent may purchase the item as needed without further formality.

B. \$2,000 to \$4,999 inclusive. Whenever any contemplated purchase of commodities or contract for services is for the sum of at least \$2,000 but not more than \$4,999, the purchasing agent shall solicit at least three bids for the

item or service. Said solicitation may be orally obtained by him, and he may then award the purchase or contract of service to the lowest responsible bidder who submits a responsive bid.

C. \$5,000 to \$10,000 inclusive. Whenever any contemplated purchase of commodities or contract for services is for the sum of at least \$5,000 but not more than \$10,000, the purchasing agent shall solicit at least three written bids for the item or service on bid forms and award the purchase or contract of services to the lowest responsible bidder.

D. \$10,000 and over. Whenever any contemplated purchase of commodities or contract for services is for the sum of \$10,000 or more, the purchasing agent shall cause to be published in two issues of a newspaper of general circulation in the city, notice inviting bids, which notice shall be published at least five days prior to the date set for the receipt of the bids. The notice herein required shall include a general description of the articles to be purchased or services to be performed and the time and place for opening bids. In addition, the purchasing agent shall post a notice inviting bids in the city hall and may also mail to all responsible prospective suppliers a copy of the notice inserted in the newspaper.

E. Exceptions: the following procurements are exempt from the bidding requirements of this article to the extent set forth below.

1. *Construction projects:* Construction projects are exempt from these bidding requirements and shall comply with Title 34, Arizona Revised Statutes; however, if public competitive bidding is not required pursuant to A.R.S. § 34-201(C) and (D), then the requirements of this section shall apply.

2. *Cooperative purchasing.* Cooperative purchases are exempt from these bidding requirements whenever other governmental units have bid the same item or service if, in the opinion of the purchasing agent or requesting department director, a separate bidding process

is not likely to result in a lower price for such items or services. Purchases from the state bid list are cooperative purchases.

3. *Sole source providers.* Purchases from sole source providers are exempt from these bidding requirements if the purchasing agent makes a written determination that competition is not available and there is only one known source for the goods or services.

4. *Professional services.* Contracts for professional services are exempt from these bidding requirements. Contracts for professional services of engineers, architects, landscape architects, assayers, geologists and land surveyors may be required to comply with the procedures set forth in A.R.S. § 34-102(C), A.R.S. § 34-103(C) and (D) or Title 34, Chapter 6, Arizona Revised Statutes.

5. *Intergovernmental agreements.* Intergovernmental agreements are exempt from these bidding requirements.

6. *Designated brand names.* Product brands, which are designated by the purchasing agent, are exempt from these bidding requirements.

7. *Emergency purchases.* The purchasing agent may procure and contract for supplies and services without compliance with the procedures set forth in this section when there has been a determination that an emergency purchase is necessary. The requesting department director shall be responsible for determining the validity of all emergency purchase requests. Emergency purchases shall be confirmed by filing a purchase requisition marked “emergency” to the purchasing agent no later than noon the next regular city business day. A complete written explanation shall be signed by the department director and transmitted with the requisition.

F. Nothing in subsection (1) shall preclude the city from soliciting bids or proposals for the procurement listed in subsection (1) if the purchasing agent or council deems it to be in the best interest of the city to do so.

G. Proposed purchases of multiple items shall not be segregated for the purpose of avoiding the requirements of this section.

Section 3-4-2 Award by Council

No contract of \$10,000 or more shall be let except by the council. Whenever any contemplated purchase or commodities or contract for services is for the sum of \$10,000 or more, the purchasing agent shall present the bids to the council for approval, and advise the council of the advantages or disadvantages of the contract and bid.

Section 3-4-3 Definitions

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicated a different meaning.

A. *Bid mistake.* A mistake contained in a bid which is clerical or mathematical in nature.

B. *Construction.* The process of building, altering, improving, or demolishing any public structure of building, or other public improvements of any kind to any public real property. It does not include the operation, maintenance or repair of existing structures, buildings, or real property.

C. *Contract.* A written agreement with the city for the procurement of supplies or services. The term includes but is not limited to contracts of a fixed-price, cost, cost plus a fixed fee, or incentive type; contracts providing for the issuance of job or task orders; leases, excluding real estate; rentals; maintenance agreements; letter contracts; and purchase orders. The term also includes supplemental agreements with respect to any of the foregoing.

D. *Contractor.* Any person having a contract with the city.

E. *Debarment.* The disqualification of a provider of supplies or services to receive invitations for bids or the award of a contract by the city for a specified period of time, not to exceed

three years, commensurate with the seriousness of the offense resulting from conduct or failure or inadequacy of performance.

F. *Emergency purchase.* Procurement when supplies, or services are needed for a situation where the health, safety or welfare of the public is endangered if immediate corrective action is not taken.

G. *Invitation for bids (IFB).* A document issued by the purchasing agent or a requesting department soliciting bids, including all documents attached or incorporated by reference, utilized for soliciting bids.

H. *Purchasing agent.* The city manager of the city.

I. *Open market procurement.* Procedures used for procurement when the formal purchase procedure is not required.

J. *Procurement.* The purchasing, renting, leasing, or otherwise obtaining of any supply or service. The term includes all functions that pertain to the obtaining of any supply, including description of requirements, selection and solicitations or sources, preparation and award of contract, and all phases of contract administration.

K. *Professional services.* The services of lawyers, certified public accountants, auditors, consultants, appraisers, engineers, architects, landscape architects, assayers, geologists and land surveyors and the like. Questions regarding whether a service is a professional service shall be referred to the purchasing officer.

L. *Public works project.* Construction of a building or structure or additions to, alterations of or demolition of an existing building or structure. The term public works project does not include maintenance and repair of buildings or structures.

M. *Request for proposals (RFP).* A document issued by the purchasing agent or a requesting department soliciting proposals where award will not be based solely on price, including all documents attached or incorporated by reference.

N. *Request for qualifications (RFQ).* A document issued by a requesting department soliciting information related to the qualifications of providers of a professional service to perform services related to a specific project.

O. *Responsible bidder or proposer.* A bidder or proposer who has the capability to perform fully the contract requirements and who has the reliability which will assure performance.

P. *Responsive bid or proposal.* A bid or proposal that complies in all material respects with the invitation to bid or the request for proposals.

Q. *Service.* 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.

R. *Specification.* Any description of the physical or functional characteristics, or of the nature of, a supply, or service item. The term may include a description of any requirement for inspection, testing, or preparing a supply, or service item for delivery.

S. *State bid list.* The compilation of competitive contracts awarded and issued by the State of Arizona.

T. *Supplies.* All personal property.

U. *Using or requesting department.* Any department of the city using or requesting supplies or services.

Section 3-4-4 Purchasing Authority

The purchasing agent shall have the following powers and duties:

A. To procure and contract for supplies and services including rentals, service agreements, and leases needed by any using department, in accordance with purchasing procedures as prescribed in this article.

B. To adopt rules and regulations for the internal management of procurements in accordance with this article.

C. To designate brand names which the city uses on a regular basis, so long as such designation is for the purpose of maintaining compatibility of like supplies and the efficiencies associated with use of compatible supplies.

D. Have the authority to debar vendors. When debarment is recommended, a statement of the reason for placing the vendor on debarment shall be prepared by the purchasing officer in writing and transmitted to the city attorney. Upon the city attorney's approval, the purchasing agent shall notify the vendor by letter containing an option to appeal and appear before a review board committee consisting of the purchasing agent and the using department. Vendors may be debarred for (i) excessive attempts by vendor to deviate from past city contract requirements, (ii) previous poor workmanship under a city contract, (iii) excessive supervision required on previous work for the city, (iv) failure to honor warranties, (v) inability to deliver service or product to the city on schedule, or (vi) other reasons that cause the purchasing agent to reasonably believe a vendor will not satisfactorily perform contracts for the city.

E. To supervise the inspection or testing of deliveries of supplies or services to determine their conformance with specifications.

F. To prepare in cooperation with using departments written standards and specifications for supplies and services.

The purchasing agent may delegate the duties set forth in subsections (A), (E) and (F) to directors of using departments.

Section 3-4-5 Unauthorized Purchases

No city employee shall order the purchase of supplies or services or make contracts on behalf of the city other than through the procedures set forth in this article and the city shall not be bound hereby; provided that exceptions may be made for emergency travel.

Section 3-4-6 Public Works Projects

Procurement of professional services related to public works projects and construction of public works projects shall be in accordance with Title 34, Arizona Revised Statutes. If a design-bid-build method of procurement is used, the IFB procedures in Section 3-4-6 A and B shall apply to the award of the construction contract.

Section 3-4-7 Formal Purchase Procedure

Procurement of supplies and services, when the estimated total cost will be \$10,000.00 or more, shall be made using either formal written requests for proposals (RFP) or invitations for bids (IFB), except as otherwise provided in this section. The using department's director shall determine which procurement method (RFP or IFB) will be most practical and advantageous to the city for the procurement of supplies or services.

A. General

1. Notice of an IFB or RFP shall include a description of the supplies or services, shall state where the IFB or RFP forms and specifications may be obtained, and the deadline for submitting a bid or proposal, time or place for opening the bids or proposals. The notice of an IFB or RFP shall be published pursuant to procedures set forth in A.R.S. § 39-204. Bids or proposals shall also be solicited from all prospective suppliers whose names are on the city's bidder list relevant to the scope of work or who have requested their names be added thereto.

2. Notwithstanding the notice requirements of subparagraph (1) above, if a request for qualifications has been issued pursuant to subsection (C)(1) below, notice of the RFQ need only be given to proposers that are determined to have the qualifications to perform the required services or provide the required supplies.

3. The purchasing agent or using department director shall have authority to require a bid or proposal guarantee be submitted with any and all bids or proposals, and performance bonds be submitted prior to execution of any contract.

4. Late bids or proposals shall be rejected and returned unopened to the bidder or proposer.

5. The IFB or RFP may be delayed or cancelled by the purchasing agent or any or all bids or proposals may be rejected at the discretion of the council.

6. The council shall have the authority, in its discretion, to refuse to award to any vendor or contractor who is in default on the payment of taxes, licenses or other moneys due the city at the time set for opening the bid or proposal. All vendors and contractors must be in compliance, at the time set for opening the bid or proposal, with all applicable state licensing laws, rules and regulations. A statement shall be included in responses to IFBs and RFPs that the vendor or contractor is in compliance with this paragraph.

7. Awards require the approval of the council. The council may reject any and all bids at its sole discretion. The council's decision is final.

8. No contract or procurement shall be subdivided to avoid the requirements of this section.

9. Annual contracts for supplies purchased in large quantities may be awarded with delivery and payment for such supplies to be made during the term of the contract.

10. If two or more bids received are for the same total amount of unit price, quality and services being equal, and if the public interest will not permit the delay of readvertising for bids, the council shall determine the successful bidder by lot.

11. Capital lease purchase or contract purchase agreements shall have their value estimated as the cumulative total value of the con-

tract expense to the city. Operating leases shall be valued at the cumulative total of lease payments for the anticipated rental period or for one year from the start of the lease for long-term items, whichever is less.

12. A contract for professional services shall not be awarded to an architect or engineer who participates in the preparation of a RFP or RFQ for that contract.

13. With the approval of the council, formal purchase procedures may be waived.

B. Invitation for bids (IFB)

1. Bids shall be solicited through an IFB. An IFB shall include all contractual specifications, terms and conditions applicable to the procurement.

2. Bids shall be opened publicly at the time and place designated in the IFB. The amount of each bid, and such other relevant information as may be specified by the purchasing agent or using department's director, together with the name of each bidder shall be recorded. This record shall be open to public inspection after the bid opening. Trade secrets or other proprietary data contained in the bid documents shall remain confidential, unless otherwise required by the public records law.

3. The IFB shall set forth the evaluation criteria to be used in evaluating the bid. No criteria may be used in bid evaluation that are not set forth in the IFB or this subsection.

4. After bid opening, no corrections in bid prices or other provisions of bids, other than bid mistakes shall be permitted. All decisions to permit the correction after bid opening shall be supported by a written determination made by the purchasing agent.

5. The contract shall be awarded to the lowest responsible and responsive bidder whose bid conforms in all material respects to the requirements and criteria set forth in the IFB. In making the determination of the lowest responsible and responsive bidder, the council may consider the following:

a. The ability, capacity and experience of the bidder, its employees and subcontractors to perform the contract.

b. Whether the bidder can perform the contract promptly, or within the time specified, without delay or interference.

c. The quality of performance of previous contracts.

d. The sufficiency of the financial resources of the bidder to perform the contract.

e. The quality and adaptability of the materials, supplies or services to the particular use required.

6. If an award is not made to the lowest bidder, a statement of the reason for not awarding to the lowest bidder shall be given in writing and be placed in the contract file.

C. Request for proposals (RFP)

1. Proposals shall be solicited through an RFP. At the discretion of the purchasing agent or requesting department, a request for qualifications (RFQ) may be issued prior to issuance of an RFP where professional services are being solicited. An RFQ shall be published pursuant to A.R.S. § 39-204. RFQs and RFPs shall require the proposer to disclose any actual or potential conflicts of interest the proposer may have in performing the required services.

2. Proposals shall be opened publicly at the time and place designated in the request for proposals. The name of each proposer shall be publicly read and recorded. All other information contained in the proposals shall be confidential so as to avoid disclosure of contents prejudicial to competing proposers during the process of negotiation. The proposals shall not be open for public inspection until after contract award, except as may be required by the public records laws. Trade secrets or other proprietary data which the proposer claims in writing to be confidential shall remain confidential, unless public law requires otherwise.

3. Discussions may be conducted with responsive proposers who submit proposals determined to be reasonably susceptible to being

selected for award for the purpose of clarification to assure full understanding of, and responsiveness to, the solicitation requirements. Proposers shall be accorded fair treatment with respect to any opportunity for discussion and revision of proposals and such revisions may be permitted after submissions and before award for the purpose of obtaining best and final offers. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing proposers during the negotiation process.

4. The award shall be made to the responsible and responsive proposer whose proposal is determined, in writing, to be the most advantageous to the city and best meets the overall needs of the city taking into consideration the evaluation of factors set forth in the request for proposals. The city is not bound to award to the lowest cost (priced) proposal. No other factors or criteria may be used in the evaluation other than as set forth in the request for proposals, except that the following criteria shall apply to all awards:

a. Price

b. The ability, capacity and experience of the proposer, its employees and subcontractors to perform the contract.

c. Whether the proposer can perform the contract promptly, or within the time specified, without delay or interference.

d. The quality of performance of previous contracts.

e. The sufficiency of the financial resources of the proposer to perform the contract.

f. The quality and adaptability of the materials, supplies or services to the particular use required.

g. The number and scope of conditions attached to the proposer's offer, and conformance of the proposer's offer to material aspects of the request for proposal.

5. The contract file shall contain the basis on which the award of a contract is made.

Section 3-4-8 Change Orders

A. Change orders, including change orders for construction projects, that do not increase the contract amount may be approved and executed by the purchasing agent.

B. Change orders, including change orders for construction projects, that increase the contract amount may be approved and executed by the purchasing agent if the total of all change orders for the contract does not exceed the lesser of ten percent of the original contract amount or \$10,000.00.

Section 3-4-9 Forms

The purchasing agent shall prescribe and maintain such forms as he shall find necessary for the operation of the provisions of this article.

Section 3-4-10 Surplus Supplies and Equipment

All departments shall submit to the purchasing agent, at such time and in such form as he shall prescribe, reports showing all supplies and equipment which are no longer used or which have become obsolete or worn out. The purchasing agent shall dispose of such supplies and equipment pursuant to the provisions of A.R.S. § 9-402.

Article 3-5 Civil Preparedness and Disaster**Sections:**

- 3-5-1 Purposes**
- 3-5-2 Definitions**
- 3-5-3 Civil Preparedness Organization**
- 3-5-4 Powers and Duties**
- 3-5-5 Mutual Aid**
- 3-5-6 Immunity of City and Representatives Thereof**
- 3-5-7 Enforcement of Orders, Rules and Regulations**
- 3-5-8 Violations**

Section 3-5-1 Purposes

The purposes of this article are to:

A. Reduce vulnerability of people and the community to damage, injury and loss of life and property resulting from natural or man-made catastrophes, riots or hostile military or paramilitary action.

B. Prepare for prompt and efficient rescue, care and treatment of persons victimized or threatened by disaster.

C. Provide a setting conducive to the rapid and orderly start of restoration and rehabilitation of person and property affected by disasters.

D. Clarify and strengthen the roles of the mayor, council, manager and city agencies in prevention of, preparation for and response to and recovery from disasters.

E. Authorize and provide for cooperation in disaster prevention, preparedness, response and recovery.

F. Authorize and provide for coordination of activities relating to disaster prevention, preparedness, response and recovery by agencies and officers of this city, agencies of the private sector and similar activities in which the federal government, the state and its political subdivisions may participate.

G. Provide a disaster management system embodying all aspects of predisaster preparedness and post-disaster response.

Section 3-5-2 Definitions

In this article unless the context otherwise requires:

A. "Civil preparedness" means the organization, administration, trained manpower, facilities, equipment, material, supplies, programs, emergency plans, ability to execute emergency plans and all other measures necessary and incidental thereto relating to disaster prevention preparedness response and recovery by all governmental and private sector agencies to protect or save health, life or property.

B. “Director” means the Director of Civil Preparedness.

C. “Disaster” means the occurrence or imminent threat of widespread or severe damage, injury or loss of life or property or extreme peril to the safety of persons or property, resulting from any natural or manmade causes, including but not limited to fire, flood, earthquake, wind, storm, blight, drought, famine, infestation, air contamination, epidemic, explosion, riot or other acts of civil disobedience which endanger life or property, or hostile military or paramilitary action.

D. “Emergency” means the existence of a disaster within the city limits requiring immediate action by the emergency forces of the city.

E. “Emergency forces” means all city governmental and private sector agencies, volunteers, facilities, equipment, trained manpower and other resources required to perform civil preparedness functions.

F. “Local emergency” means the orders, rules and emergency procedures deemed essential for civil preparedness.

G. “Regulations” means the orders, rules and emergency procedures deemed essential for civil preparedness.

H. “State of emergency” means the duly proclaimed existence of a disaster within the state except a disaster resulting in a state of war emergency which is or is likely to be beyond the capabilities and resources of any single county, city or town and requires the combined efforts of the state and the political subdivision.

I. “State of war emergency” means the situation which exists immediately whenever this nation is attacked or upon receipt by this state of a warning from the federal government indicating that such an attack is imminent.

Section 3-5-3 Civil Preparedness Organization

The city manager is hereby authorized and directed to create a civil preparedness organiza-

tion. The director of civil preparedness shall be appointed by the mayor.

Section 3-5-4 Powers and Duties

A. The council:

1. Shall have the power to make, amend and rescind regulations, not inconsistent with regulations promulgated by the governor, necessary for civil preparedness, which regulations shall have the full effect of this article when a copy is filed in the office of the clerk. Existing ordinances and regulations, or ordinances and regulations issued under authority of A.R.S. Title 26, Chapter 2, in conflict therewith, are suspended during the time and to the extent that they are in conflict.

2. May appropriate and expend funds, make contracts, obtain and distribute equipment, materials and supplies for civil preparedness purposes.

3. In the absence of specific authority in state emergency plans and procedures, the council shall take emergency measures as deemed necessary to carry out the provisions of A.R.S. Title 26, Chapter 2.

4. In a state of war emergency the council may waive procedures and formalities required by law pertaining to the performance of public work, entering into contracts, incurring obligations, employing permanent and temporary workers, utilizing volunteer workers, renting equipment, purchasing and distributing supplies, materials and facilities and appropriating and expending public funds when the council determines and declares that strict compliance with such procedures and formalities may prevent, hinder or delay mitigation of the effects of the state of war emergency. The city shall be exempt during such emergency from budget limitations prescribed by Article 9, Section 20 of the State Constitution.

B. The mayor:

1. In addition to the powers granted by other provisions of the law or city ordinance, the mayor may, by proclamation, declare an

emergency or a local emergency to exist. The proclamation may be rescinded by a majority of the council after twenty-four hours.

2. During an emergency or local emergency, the mayor shall govern by proclamation and shall have the authority to impose all necessary regulations to preserve the peace and order of the city including, but not limited to:

- a. Imposition of curfews in all or in a portion of the city;
- b. Ordering the closing of any business;
- c. Closing to public access any public building, street or other public place;
- d. Calling upon regular or auxiliary law enforcement agencies and organizations within or without the city for assistance.

C. The director:

1. The director is responsible in non-emergency periods to act on behalf of the mayor and council to develop a readiness for the city's civil preparedness and for coordinated operations in disaster situations.

2. During emergencies, the director shall act as the principal advisor or aide to the mayor on emergency operations. His major responsibility is to assure coordination among emergency forces and with higher and adjacent governments, by assuring that the emergency operation center functions effectively. He shall assist the mayor in the execution of operations, plans and procedures required by the emergency.

3. The director shall prepare a comprehensive disaster basic plan which shall be adopted and maintained by resolution of the council upon the recommendations of the director. In the preparation of this plan as it pertains to city organization, it is the intent that the services, equipment, facilities and personnel of all existing departments and agencies be used to the fullest extent.

4. The disaster plan shall be considered supplementary to this article and have the effect of law whenever emergencies, as defined in this article, have been proclaimed.

Section 3-5-5 Mutual Aid

In periods of local emergency as declared pursuant to this article, the city is hereby granted full power to provide mutual aid to any affected area in accordance with local ordinances, resolutions, emergency plans or agreements therefor. The city may request from state agencies mutual aid including personnel, equipment and other available resources to assist the city during the local emergency or at the direction of the governor.

Section 3-5-6 Immunity of City and Representatives Thereof

A. The city shall not be liable for any claim based upon the exercise or performance, or the failure to exercise or perform a discretionary function or duty on the part of the city or any employee of the city, except willful misconduct, gross negligence or bad faith of any such employee, in carrying out the provisions of A.R.S. Title 26, Chapter 2.

B. The immunities from liability, exemptions from laws, ordinances and rules, all pensions, relief, disability workmen's compensation and other benefits which apply to the activity of officers, agents or employees of the city when performing their respective functions within the limits of the city shall apply to them to the same degree and extent while engaged in the performance of any of their functions and duties extraterritorially under the provisions of this article, excepting willful misconduct, gross negligence or bad faith.

C. Volunteers duly enrolled or registered for services in a local emergency, a state of emergency or a state of war emergency in carrying out, complying with or attempting to comply with, any regulations issued pursuant to A.R.S. Title 26, Chapter 2 or any local ordinance, or performing any of their authorized functions or duties, shall have the same degree of responsibility for their actions and enjoy immunities as officers and employees of the

state and its political subdivisions performing similar work.

**Section 3-5-7 Enforcement of Orders,
Rules and Regulations**

The Litchfield Park Police Department shall enforce regulations issued pursuant to this article.

Section 3-5-8 Violations

It is unlawful for any person to violate any provision of this article or to refuse or willfully neglect to obey any lawful regulation or order issued as provided in this article. This provision, however, does not apply to the refusal of any private organization or members thereof to participate in an emergency, local emergency or state of emergency as defined by this article.