

ORDINANCE O-23-14

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF BISBEE, COUNTY OF COCHISE, STATE OF ARIZONA, AMENDING THE CODE OF THE CITY OF BISBEE, ARTICLE 3.5.20 – BID PROTEST, SUBSECTION 3.5.20(A) – FILING OF PROTEST, BY DEFINING AN “INTERESTED PARTY” IN SUBSECTION 3.5.20(A)(1); PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the Mayor and Council of the City of Bisbee have the authority to adopt and amend provisions of the City Code by ordinance, as authorized by the City Charter, Section 7.05(a); and,

WHEREAS, it is in the best interests of the City of Bisbee and its citizens to adopt the amendment to the Code of the City of Bisbee, Article 3.5.20, Subsection 3.5.20(A)(1) to define an “interested party” for purposes of filing a bid protest.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BISBEE, COUNTY OF COCHISE, STATE OF ARIZONA, THAT:

Section 1. The City of Bisbee Code, Article 3.5.20 – Bid Protests, Subsection 3.5.20(A) – Filing of Protest, is hereby amended by defining an “interested party” authorized to file a bid protest as provided for in Subsection 3.5.20(A)(1), as set forth below, with additions in all capital underlined words and any deletions in strikeout:

ARTICLE 3.5.20 BID PROTESTS

3.5.20(A) Filing of Protest

- 1. Any interested party may protest a solicitation issued by the City, or the proposed award or the award of a City contract. FOR PURPOSES OF THIS ARTICLE, AN “INTERESTED PARTY” MEANS AN OFFEROR OR PROSPECTIVE OFFEROR OR BIDDER WHOSE ECONOMIC INTEREST IS AFFECTED SUBSTANTIALLY AND DIRECTLY BY ISSUANCE OF A SOLICITATION, AN AWARD OR LOSS OF AN AWARD OF A CITY CONTRACT. WHETHER AN OFFEROR OR PROSPECTIVE OFFEROR OR BIDDER HAS AN ECONOMIC INTEREST DEPENDS UPON THE CIRCUMSTANCES OF EACH CASE.**

Section 2. Providing for Repeal of Conflicting Ordinances. All ordinances and parts of ordinances in conflict with this Ordinance or any part of the Code adopted herein by reference are hereby repealed.

Section 3. Providing for Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason

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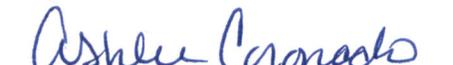
held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED, APPROVED AND ADOPTED by the Mayor and Council of the City of Bisbee on this 17th day of October, 2023.

APPROVED:


Ken Budge, Mayor

ATTEST:


Ashlee Coronado, City Clerk

APPROVED AS TO FORM:


Joseph D. Estes, City Attorney
Gust Rosenfeld, P.L.C.