

ORDINANCE O-26-02

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, CHAPTER 3 – ADMINISTRATION, ARTICLE 3.5 PROCUREMENT, BY AMENDING SECTIONS 3.5.1 AND 3.5.3 AND CREATING NEW SECTIONS 3.5.21 AND 3.5.22, ADOPTING PROCUREMENT LANGUAGE FOR COMPLIANCE WITH FEDERAL FUNDING ACTIVITIES AND PROGRAMS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Council have the authority to adopt and to amend, by ordinance, the City Code of the City of Bisbee (the “City”); and,

WHEREAS, the City receives federal funding for certain procurement activities and programs; and,

WHEREAS, compliance with federal regulations, including Federal Transit Administration (FTA) Circular 4220.1G and 2 CFR § 200.326, is required to maintain eligibility for such funding; and,

WHEREAS, the City of Bisbee Mayor and Council find it necessary to amend Article 3.5 of the City Code to ensure that all federally required clauses are included in the City’s procurement policies.

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

Section 1. In General.

The Code of the City of Bisbee is hereby amended by amending Chapter 3 – Administration, Article 3.5 – Procurement, amending Section 3.5.1 – Purpose; Rules of Construction, and Section 3.5.3 – Purchasing Organization, and establishing a new Section 3.5.21 – Required Federal Clauses, and a new Section 3.5.22 – Standard of Conduct, as follows, with additions in all CAPS as set forth below:

CHAPTER 3 – ADMINISTRATION

Article 3.5 – Procurement

3.5.1B Purposes and Policies. Underlying purposes and policies of this article are:

...

3.5.1.B.7 TO ENSURE COMPLIANCE WITH APPLICABLE FEDERAL LAWS AND REGULATIONS, THIS SECTION ESTABLISHES REQUIREMENTS FOR THE INCLUSION OF ALL NECESSARY FEDERAL CLAUSES IN SOLICITATIONS, AND CONTRACTS FUNDED IN WHOLE OR IN PART WITH FEDERAL ASSISTANCE.

3.5.1D Application of the Code. This article shall apply to every expenditure of public monies by the City including FEDERAL FUNDS, any contract, grant, or like business agreement, COOPERATIVE AGREEMENT OR SUBAWARDS. In the event that any contracts, grants or other agreements, with any state or federal agencies may require that the City comply with certain state or federal procurement laws or regulations as a condition for any such contract, grant or agreement, the requirements of any such applicable state or federal provisions shall be met.

3.5.3.B Specific Areas of Responsibility. The City Manager or duly authorized designee shall have the following specific areas of responsibility:

...

12. TO ENSURE THAT WITHIN ALL DEPARTMENTS OF THE CITY, WHEN INITIATING FEDERALLY FUNDED PROCUREMENTS, ALL FEDERALLY FUNDED SOLICITATIONS AND CONTRACTS OVER THE FEDERAL MICRO-PURCHASE THRESHOLD INCLUDE THE APPROPRIATE FEDERAL CLAUSES AND CERTIFICATIONS REQUIRED BY THE FUNDING SOURCE THEREBY ENSURING COMPLIANCE.

3.5.21 REQUIRED FEDERAL CLAUSES. ALL SOLICITATIONS AND RESULTING CONTRACTS FUNDED WITH FEDERAL ASSISTANCE SHALL INCLUDE THE APPLICABLE CONTRACT PROVISIONS AS REQUIRED BY:

- A. 2 CFR § 200.326 AND APPENDIX II TO 2 CFR PART 200;
- B. FTA CIRCULAR 4220.1G, CHAPTER IV, SECTION 2.
- C. THESE PROVISIONS INCLUDE, BUT ARE NOT LIMITED TO:
 - 1. EQUAL EMPLOYMENT OPPORTUNITY
 - 2. DAVIS-BACON ACT (FOR CONSTRUCTION CONTRACTS)
 - 3. COPELAND "ANTI-KICKBACK" ACT
 - 4. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT
 - 5. CLEAN AIR ACT AND FEDERAL WATER POLLUTION CONTROL ACT
 - 6. DEBARMENT AND SUSPENSION
 - 7. BYRD ANTI-LOBBYING AMENDMENT
 - 8. RIGHTS TO INVENTIONS MADE UNDER A CONTRACT OR AGREEMENT
 - 9. ACCESS TO RECORDS AND REPORTS

10. TERMINATION FOR CAUSE AND CONVENIENCE
11. DISADVANTAGED BUSINESS ENTERPRISE (DBE) REQUIREMENTS
12. ENERGY EFFICIENCY REQUIREMENTS
13. FLY AMERICA ACT (IF APPLICABLE)
14. CARGO PREFERENCE REQUIREMENTS (IF APPLICABLE)
15. BUY AMERICA (IF APPLICABLE)

D. FAILURE TO INCLUDE REQUIRED FEDERAL CLAUSES MAY RESULT IN THE LOSS OF FEDERAL FUNDING AND/OR OTHER ENFORCEMENT ACTIONS. THE CITY SHALL TAKE CORRECTIVE ACTION AS NECESSARY TO REMEDY NONCOMPLIANCE.

3.5.22 STANDARD OF CONDUCT. NO EMPLOYEE, OFFICER, AGENT, OR COUNCILMEMBER WITH A CONFLICT OF INTEREST MAY PARTICIPATE IN THE SELECTION, AWARD, OR ADMINISTRATON OF A CONTRACT SUPPORTED BY FEDERAL, STATE, OR LOCAL FUNDS. A CONFLICT OF INTEREST IS DEFINED UNDER STATE STATUE, AND INCLUDES WHEN THE EMPLOYEE, OFFICER, AGENT, OR COUNCILMEMBER, ANY MEMBER OF THEIR IMMEDIATE FAMILY, THEIR PARTNER, OR AN ORGANIZATION THAT EMPLOYS OR IS ABOUT TO EMPLOY ANY OF THE PARTIES INDICATED HEREIN, EXCEPT THOSE STATUTORILY DEFINED REMOTE INTERESTS, HAS A FINANICAL OR OTHER LEGALLY DEFINED CONFLICT OF INTEREST FROM AN ENTITY CONSIDERED FOR A CONTRACT. AN EMPLOYEE, OFFICER, AGENT, AND COUNCILMEMBER OF THE CITY OR SUBRECIPIENT MAY NEITHER SOLICIT NO ACCEPT GRATUITIES, FAVORS, OR ANYTHING OF MONETYARY VALUE FROM CONTRACTORS.

Section 2. Providing For Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the City Code adopted herein, 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 City Code adopted herein, is for any reason 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.

Section 4. Effective Date.

This Ordinance shall be effective from 30 days after the date written below.

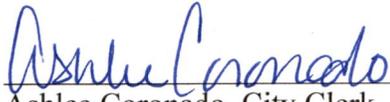
PASSED, APPROVED AND ADOPTED by the Mayor and Council of the City of Bisbee on this 20th day of January, 2026.

APPROVED:



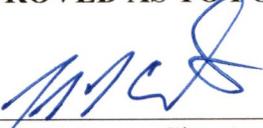
Ken Budge, Mayor

ATTEST:



Ashlee Coronado, City Clerk

APPROVED AS TO FORM:



Joseph D. Estes, City Attorney
Pierce Coleman

City of Bisbee Procurement Checklist

For Projects Using FTA and AZDOT Funding

1. Pre-Procurement Planning

- Define Scope of Work: Clearly outline the goods/services needed.
- Identify Funding Sources: Specify FTA, AZDOT, and local match percentages.
- Determine Procurement Method: Micro-purchase, small purchase, sealed bid, competitive proposal, or sole source.
- Check Thresholds: Follow the most restrictive threshold among City, State, and Federal guidelines.
- Ensure Budget Availability: Confirm funding is allocated and approved.

2. Compliance Review

- Review City of Bisbee Procurement Policies: Ensure alignment with local rules.
- Apply FTA Circular 4220.1G Requirements: Full and open competition, conflict of interest policies, and documentation.
- Follow AZDOT Procurement Code: Adhere to Arizona Revised Statutes Title 41, Chapter 23 and ADOT guidelines.
- Consult 2 CFR Part 200 Subpart D: Federal procurement standards for documentation, oversight, and ethics.

3. Solicitation Process

- Prepare Solicitation Documents: Include scope, evaluation criteria, and contract terms.
- Advertise Publicly: Use City website, DemandStar, Public Purchase, and other platforms.
- Conduct Pre-Bid Meetings: If applicable, ensure transparency and vendor engagement.
- Collect and Evaluate Bids/Proposals: Use documented criteria and maintain fairness.

4. Award and Contracting

- Award to Responsible Contractor: Based on price, qualifications, and responsiveness.
- Document Procurement History: Maintain records of solicitation, evaluation, and award decisions.
- Include Required Federal Clauses: Ensure all FTA-required contract provisions are included.
- Execute Contract: Ensure signatures, timelines, and deliverables are clearly defined.

5. Contract Administration

- Monitor Performance: Ensure contractor meets terms and specifications.
- Maintain Oversight Records: Track deliverables, payments, and compliance.
- Handle Change Orders Properly: Follow FTA guidelines for modifications.
- Close Out Contract: Final inspection, payment, and documentation.

6. Post-Procurement

- Audit Readiness: Ensure all files are complete and compliant.
- Submit Reports to FTA/AZDOT: As required by grant agreements.
- Evaluate Procurement Process: Identify lessons learned and improvements.

EXHIBIT A - PROCUREMENT HISTORY FILE CHECKLIST

Instructions for Use

Use this sample checklist as a guide for individual procurement files to comply with appropriate Federal, local, and organizational documentation and retention requirements. The volume of documentation associated with the procurement will dictate the number of files required to properly maintain a complete history of the procurement. As such, the attached checklist must be properly annotated and filed in each procurement file (both hardcopy and electronic) associated with the particular procurement at hand.

The File Sections and associated documentation index identified below are not intended to be all-inclusive and are not required for all procurements. The checklist must be signed and dated by the individual compiling the file.

Be sure to fill out the type of procurement by addressing the dropdowns at the top of the page.

Pre-Solicitation Documents

1. Procurement History
 - Procurement History Form (for Pre-Solicitation)
 - Requisition
2. Independent Cost Estimate (ICE)
 - ICE (received from PM prior to receiving bids/proposals; must be signed and dated)
 - ICE Summary Form with narrative describing estimation method(s)
3. Procurement Administrative Lead Time (PALT)
 - PALT Form
4. Requirements Documentation
 - Scope of Work (SOW)
 - Bill of Material (BOM)
 - Technical Specifications
 - Drawings
5. Sole/Single Source Justification
 - Sole Source Justification Document
 - Supporting documentation for determination of sole/single source
6. Pre-solicitation Approvals
 - Finalized Staff Report
 - Board Meeting Minutes
 - GM Memos
 - Blue Sheet Routing Slip
 - SharePoint Workflow Approval

Solicitation Documents

7. Solicitation, related attachments and all addenda
 - IFB/RFP/RFQ
 - Solicitation Attachments, as cited
 - Addenda to the Solicitation, including question and answers posted.
 - Pre-proposal Conference Agenda, Sign-in Sheets, and relevant Attachments
8. Proof of Solicitation Advertisement
 - Instructions to Post/ NAICS Codes Printout
 - AC Transit Original Online Posting
 - Email Announcement Notifying Vendors
 - Request to Run Advertisement
 - Dodge Report Advertisement
9. Bidder/Proposer List
 - IFB/RFP/RFQ Acknowledgement
 - "No Bid" Correspondence

Evaluation Documents

10. Bid Opening Sign-In Sheet
11. Proposals/Bids/Statements of Qualifications (SOQ) Received
 - Proposal/Bid/SOQ Responsiveness Check
 - System for Award Management (SAM) & DBE Certification
12. Evaluation Documentation
 - Evaluators Confidentiality & Conflict of Interest Forms
 - Technical Evaluation Scoring Sheets
 - Score Summary Evaluation Sheet
 - Past Performance Reference Checks/Interviews
 - Past Performance Questionnaires
13. Responsibility Determination
 - SAM/debarment verification
 - Financial reviews
14. Best and Final Offers (BAFOs)
 - BAFO Request
 - BAFO Proposal(s)/Bid(s)
15. Cost/Price Analysis
 - Cost/Price Analysis
 - Supporting Data
 - Single Bid/Proposal Analysis
16. Procurement History (Pre-Award)
17. Pre-Award Approvals
 - Staff Report
 - Board Approval Minutes
 - GM Memo
 - Blue Sheet Routing Slip (for Contract)

Executed Contract and Amendment Documents

18. Award Documentation
 - Letter of Intent to Award
 - Notice(s) of Non-Award/Unsuccessful Proposer Debriefs
 - Debrief Letters
 - Unsuccessful Proposer Debrief Correspondence
 - Executed Contract
 - Purchase Order POs
 - Accepted/Final Proposal/Bid
 - Transmittal Copies of Contract/PO emails to Contractor
19. Contractor Compliance Documentation
 - Payment and/or Performance Bonds
 - Proof of Insurance
 - Notice to Proceed (NTP)
 - Transmittal Copies of NTP to Contractor
20. Executed Contract Amendments
 - Procurement History for Amendment
 - Requisitions to Add Funds
 - Requests for Modifications
 - Contract Proposals for Proposed Modification
 - Cost/Price Analysis for Proposed Modification
 - Revised or New POs

Contract Administration/Closeout Documents

21. Protest Documentation
 - Protest Notification
 - Legal Correspondence
 - Protest Determination
22. Contract Administration
 - Kick-Off Meeting Sign-In Sheet
 - Meeting Agenda/Minutes
 - Preliminary Notice(s) (Construction)
 - Stop Work Notice (s) (Construction)
23. Claims and/or Disputes
 - Contractor Claims/Disputes Correspondence
 - Audit Documentation (as needed)
 - Board Approval Minutes/GM Memo for Settlement of Claims/Disputes
24. Performance and Remedies Documentation
 - Contractor Performance Documentation
 - Project Manager Performance Surveys
 - Performance Evaluations
 - Correspondence Regarding Performance Issues
 - Show Cause Notice(s)
 - Cure Notice(s) and Correspondence
 - Termination for Cause Notice
 - Termination for Convenience Notice
25. Closeout Documentation
 - Notice of Completion
 - Closed PO Confirmation
 - Documentation Retention Date Determination Memo

PROCUREMENT HISTORY FILE CHECKLIST

Full & Open Competition for Base Award? Yes or NO
 Solicitation Category: Formal Informal
 Method of Procurement: IFB RFP RFQ

SOLICITATION/CONTRACT NUMBER				CONTRACTOR NAME				CONTRACT AWARD DATE			
PROJECT NAME/DESCRIPTION						CONTRACT TOTAL VALUE \$			CONTRACT START DATE		
NO.	ITEM	IN FILE	N/A	NO.	ITEM	IN FILE	N/A				
1.	PROCUREMENT HISTORY (PRE-SOLICITATION) <i>Per FTA Circular 4220.1F, Chapter III, Section 3d(1)</i>	<input type="checkbox"/>	<input type="checkbox"/>	14.	BEST AND FINAL OFFERS (BAFOs)	<input type="checkbox"/>	<input type="checkbox"/>				
2.	INDEPENDENT COST ESTIMATE (ICE) <i>Per FTA Circular 4220.1F, Chapter VI, Section 6, Board Policy 465, Section III</i>	<input type="checkbox"/>	<input type="checkbox"/>	15.	COST/PRICE ANALYSIS <i>Per FTA Circular 4220.1F, Chapter VI, Section 6</i>	<input type="checkbox"/>	<input type="checkbox"/>				
3.	PROCUREMENT ADMINISTRATIVE LEAD TIME (PALT)	<input type="checkbox"/>	<input type="checkbox"/>	16.	PROCUREMENT HISTORY (PRE-AWARD) <i>Per FTA Circular 4220.1F, Chapter III, Section 3d(1)</i>	<input type="checkbox"/>	<input type="checkbox"/>				
4.	REQUIREMENTS DOCUMENTATION (i.e SOW, BOM, drawings, etc.) <i>Per FTA Circular 4220.1F, Chapter IV, Section 2a</i>	<input type="checkbox"/>	<input type="checkbox"/>	17.	PRE-AWARD APPROVALS <i>Per Board Policy 465, Section V(A)1</i>	<input type="checkbox"/>	<input type="checkbox"/>				
5.	SOLE/SINGLE SOURCE JUSTIFICATION <i>Per FTA Circular 4220.1F, Chapter VI, 2i(1)(b)</i>	<input type="checkbox"/>	<input type="checkbox"/>	18.	AWARD DOCUMENTATION <i>Per FTA Circular 4220.1F, Chapter VI, Section 8</i>	<input type="checkbox"/>	<input type="checkbox"/>				
6.	PRE-SOLICITATION APPROVALS <i>Per Board Policy 465, Section V(A)1</i>	<input type="checkbox"/>	<input type="checkbox"/>	19.	CONTRACTOR COMPLIANCE DOCUMENTATION	<input type="checkbox"/>	<input type="checkbox"/>				
7.	SOLICITATION, ATTACHMENTS AND ADDENDA <i>Per FTA Circular 4220.1F, Chapter IV, Section 2</i>	<input type="checkbox"/>	<input type="checkbox"/>	20.	EXECUTED CONTRACT AMENDMENTS <i>Per FTA Circular 4220.1F, Chapter VII, Section 2</i>	<input type="checkbox"/>	<input type="checkbox"/>				
8.	PROOF OF SOLICITATION ADVERTISEMENT <i>Per FTA Circular 4220.1F, Chapter VI, Sections 3C(2)(a) and 3D(2)</i>	<input type="checkbox"/>	<input type="checkbox"/>	21.	PROTEST DOCUMENTATION <i>Per FTA Circular 4220.1F, Chapter VII, Section 1</i>	<input type="checkbox"/>	<input type="checkbox"/>				
9.	BIDDER/PROPOSER LIST	<input type="checkbox"/>	<input type="checkbox"/>	22.	CONTRACT ADMINISTRATION DOCUMENTATION	<input type="checkbox"/>	<input type="checkbox"/>				
10.	BID OPENING SIGN-IN SHEET	<input type="checkbox"/>	<input type="checkbox"/>	23.	CLAIMS AND/OR DISPUTES <i>Per FTA Circular 4220.1F, Chapter VII, Sections 3 and 4</i>	<input type="checkbox"/>	<input type="checkbox"/>				
11.	PROPOSALS/BIDS/STATEMENTS OF QUALIFICATIONS (SOQs) RECEIVED	<input type="checkbox"/>	<input type="checkbox"/>	24.	PERFORMANCE AND REMEDIES DOCUMENTATION	<input type="checkbox"/>	<input type="checkbox"/>				
12.	EVALUATION DOCUMENTATION <i>Per FTA Circular 4220.1F, Chapter VI, Sections 7</i>	<input type="checkbox"/>	<input type="checkbox"/>	25.	CLOSEOUT DOCUMENTATION	<input type="checkbox"/>	<input type="checkbox"/>				
13.	RESPONSIBILITY DETERMINATION <i>Per FTA Circular 4220.1F, Chapter VI, Sections 8</i>	<input type="checkbox"/>	<input type="checkbox"/>								

REMARKS

CONTRACTS SPECIALIST/BUYER NAME