

CHAPTER 14
(PURCHASING, CONTRACTING AND SELLING PROCEDURE)

AN ORDINANCE TO AMEND SECTION 1:324.5 OF CHAPTER 14 (PURCHASING, CONTRACTING AND SELLING PROCEDURE) OF TITLE I OF THE CODE OF THE CITY OF ANN ARBOR

The City of Ann Arbor ordains:

Section 1. That Section 1:324.5 of Chapter 14 (PURCHASING, CONTRACTING AND SELLING PROCEDURE) of Title I of the Code of Ann Arbor be amended as follows:

1:324.5. Best value procurement.

- (1) For all contracts for public improvements greater than \$50,000.00 in value, the City Administrator shall adopt policies or procedures for determining which bidder provides the best value to the city. The City Administrator shall direct the creation of scoring rubrics for evaluating bids for public improvements in the following manner:
 - (a) Each responsive bidder shall have their bid evaluated qualitatively by the following criteria:
 - i. Price.
 - ii. Qualifications, experience and accountability.
 1. Qualifications and experience of the bidder and of key persons, management, and supervisory personnel to be assigned by the bidder.
 2. References from individuals or entities the bidder has worked for within the last 5 years including information regarding records of performance and job site cooperation.
 - ~~3. Evidence of any quality control program used by the bidder and the results of any such program on the bidder's previous projects.~~
 3. 4.A statement from the bidder as to any major subcontractors it expects to engage including the name, work, and amount.
 - iii. Workplace safety.
 1. Provide evidence of a bidder's safety program (link to information on bidder's publicly available website preferred) ~~a copy of the bidder's safety program,~~ and evidence of a safety-training program for employees addressing potential hazards of the proposed job site. Bidder must identify a designated qualified safety representative responsible for bidder's safety program who serves as a contact for safety related matters.

2. Provide the bidder's experience modification rating ("EMR") for the last 3 consecutive years. Preference within this criterion will be given to an EMR of 1.0 or less based on a 3-year average.
 3. Evidence that all craft labor that will be employed by the bidder for the project has, or will have prior to project commencement, completed at least an authorized 10-hour OSHA Construction Safety Course.
 4. For the last 3 years provide a copy of any documented violations and the bidder's corrective actions as a result of inspections conducted by the Michigan Occupational Safety and Health Administration (MIOSHA), U.S. Department of Labor - Occupational Safety and Health Administration (OSHA), or any other applicable safety agency.
- iv. Workforce development.
1. Documentation as to bidder's pay rates, health insurance, pension or other retirement benefits, ~~paid leave~~, or other fringe benefits to its employees.
 2. Documentation that the bidder participates in a registered apprenticeship program that is registered with the United States Department of Labor Office of Apprenticeship or by a State Apprenticeship Agency recognized by the USDOL Office of Apprenticeship. USDOL apprenticeship agreements shall be disclosed to the city in the solicitation response.
 3. Bidders shall disclose the number of non-craft employees who will work on the project on a 1099 basis, and the bidders shall be awarded points based on their relative reliance on 1099 work arrangements with more points assigned to companies with fewer 1099 arrangements. Bidders will acknowledge that the city may ask them to produce payroll records at points during the project to verify compliance with this section.
- v. Social equity and sustainability.
1. A statement from the bidder as to what percentage of its workforce resides in the City of Ann Arbor and in Washtenaw County, Michigan. The city will consider in evaluating which bids best serve its interests, the extent to which responsible and qualified bidders employ individuals in either the city or the county. Which jurisdiction is prioritized for scoring purposes will be indicated in the solicitation.
 2. Evidence of equal employment opportunity programs for minorities, women, veterans, returning citizens, and small businesses.
 3. Evidence that the bidder is an equal opportunity employer and does not discriminate on the basis of race, sex, pregnancy, age, religion, national origin, marital status, sexual orientation, gender identity or expression, height, weight, or disability.

~~4. The bidder's proposed use of sustainable products, technologies, or practices for the project, which reduce the impact on human health and the environment, including raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, and waste management.~~

~~4.5.~~ The bidder's environmental record, including findings of violations and penalties imposed by government agencies.

(b) The following criteria may also be included at the city's discretion:

i. Work plan.

1. The proposed work plan to complete the project including such information as the schedule, staging, materials and equipment to be used, methods and techniques for completing the work that will be employed, plans to maintain operations at city facilities or access to city infrastructure during construction if desired by the city, or other criteria as determined by the city in the bid documents.

(c) Each evaluation criteria (price, qualifications, experience and accountability, workplace safety, workforce development, social equity and sustainability, and/or work plan) shall be weighted equally in terms of numerically scoring a bid.

(2) The City Administrator may exempt a contract for public improvements from best value scoring and instead award the contract to the lowest responsible bidder in instances when the contract will be partially or wholly funded by third parties such as another government entity, a non-profit, an individual, a philanthropy or other similar entity, when that entity requires their funding to be awarded on a lowest responsible bidder basis, and when proceeding on a best value basis may at the sole determination of the City Administrator jeopardize the receipt of third-party funding, cause costs to the city to increase by more than 10% of the total project cost, or jeopardize the participation of a funding partner in the project.

Section 2. This ordinance shall take effect ten days after legal publication.