

# CITY OF CHEYENNE PURCHASING POLICY



**CITY OF CHEYENNE - PURCHASING**

**MARCH 2020**

# **CITY OF CHEYENNE PURCHASING POLICY**

## ***TABLE OF CONTENTS***

PART I – FOREWORD.....	4
Foreword.....	4
PART II - PROCUREMENT.....	5
Procurement of Goods and Services Up To \$3,499.99.....	5
Procurement From \$3,500.00 To \$34,999.00.....	6
Procurement of Goods and Services from \$35,000.00 and Over .....	8
Construction and Labor Contracts .....	9
Preference for Wyoming Labor and Wyoming Materials .....	11
Split Purchases .....	13
Sole/Single Source Purchase.....	14
Emergency Procurement.....	16
Repairs .....	17
Purchase or Lease of New Vehicles/Equipment.....	18
Purchase of Used Vehicles/Equipment.....	19
Purchasing Goods, Equipment or Vehicles at Auction.....	20
Printing and Forms.....	21
Business Cards and Letterhead Stationery.....	22
Uniforms, Special Work Clothing and Steel-Toe Footwear Policy.....	23
Clothing & Footwear Agreement.....	24
Miscellaneous Purchases .....	25
Procurement of Public Art .....	30
PART III – PROFESSIONAL SERVICES .....	31
Professional Services .....	31
Procurement of Professional Services for Architects, Engineers and Land Surveyors .....	32
Procurement of Professional Services for Accounting, Financial, Legal, Planning, Management, Information Technology Consultants and Professionals and Experts Other than Architects, Engineers, and Surveyors.....	39
PART IV – MISCELLANEOUS PROCEDURES.....	41
Disposal of Surplus Property .....	41

Special Provisions Relating to the Sale, Lease or Other Disposal of Real Property” (Land and/or Buildings).....	42
Reimbursement to Employees for Purchase of Goods and Services .....	43
Exemption from Taxes.....	44
Requisitions, Purchase Orders, and Invoicing .....	45
Change Orders .....	47
<b>PART V – MISCELLANEOUS POLICIES.....</b>	<b>48</b>
Computer Equipment/Software .....	48
City of Cheyenne Purchasing Card Policy.....	50
City of Cheyenne Travel Policy.....	57
<b>PART VI – FEDERAL PROCUREMENTS .....</b>	<b>64</b>
Federally Required and Other Required Clauses and Language .....	64
Federal Vendor Protest Procedures.....	66

## **PART I – FOREWORD**

### **Foreword**

The intent of the City of Cheyenne Purchasing Policy is to provide guidelines for City elected officials, Department Directors and City employees who are involved in any segment of the procurement process for their departments or offices. The purpose of the Purchasing Policy is to clarify and standardize procurement practices, and to provide increased economy in City procurement activities. The cooperation of everyone is essential if the City is to maximize the economic benefit of materials, equipment and services purchased by the City. The Purchasing Policy expressly applies to elected officials. Violations of the Purchasing Policy by employees are addressed through the City disciplinary process. Violations by elected officials are addressed by the Governing Body.

The Purchasing Policy does not answer all questions relating to purchasing, but does provide a foundation for a sound procurement system. The material may be revised occasionally as changes occur in policy or state law, federal law, the purchasing field, or in the economy.

The Purchasing Policy describes procedures that should be followed prior to the sale, lease, or other disposition of real property (land and/or buildings) owned by the City.

The Purchasing Policy is effective immediately upon issuance and supersedes all previous purchasing instructions or directives.

#### **TJ Barttelbort**

Purchasing Manager

City of Cheyenne

2101 O’Neil Ave, Room 309

Cheyenne, WY 82001

Office: (307) 773-1045

E-Mail: [tbarttelbort@cheyennecity.org](mailto:tbarttelbort@cheyennecity.org)

*Approved in Ordinance, March 23, 2020*

*Section 2.04.200, Purchasing Policy, of Chapter 2.04, Mayor and City Council, of Title 2, Administration and Personnel, of the Municipal Code of the City of Cheyenne, Wyoming*

## **PART II - PROCUREMENT**

### **Procurement of Goods and Services Up To \$3,499.99**

**There is a \$3,499.99 limit for which departments may purchase goods and services without involving the Purchasing Division in advance.**

The \$3,499.99 limit pertains to each type, or category of item that is being purchased. If the immediate need is for part/component “A” and part/component “B” to have a complete and useable product or system, you must consider the total cost of all “parts” or “components”.

For instance, the cost for the purchase of tires (Part A) and the cost for the installation of the tires (Part B) would be considered the total cost of all required components; therefore, if the total is over \$3,499.99, the procedure for purchases between \$3,500.00 and \$34,999.99 would apply.

It is each department’s responsibility to make every effort to obtain the best price possible for any expenditure of public funds.

Departments are encouraged to request assistance from the Purchasing Division for items under \$3,499.99 when there is an opportunity for potential cost savings. It may be possible to obtain smaller dollar items that are purchased repeatedly throughout the year on a contractual basis with periodic deliveries of the items to occur as needed. Contact the Purchasing Division if you have such a need that is not covered by an existing contract.

Quality of product or service being equal, orders shall be awarded to the vendor whose price is lowest.

Departments are to purchase locally whenever possible. All purchases are subject to the Preference for Wyoming Labor and Wyoming Materials, as defined in this policy.

*Revised March 2020*

## Procurement From \$3,500.00 To \$34,999.00

**There is a \$3,500.00 to \$34,999.00 limit for which departments may purchase goods and services with three (3) competitive price quotes.**

Purchases of goods and services less than \$35,000.00 do not require formally advertised bids; however, it is the policy of the City to require competitive price quotes for these expenditures, and formal bids may be advertised if to do so could be advantageous to the City.

A minimum of three (3) vendors shall be contacted for price quotations unless fewer are available that furnish the goods or services requested. If less than three (3) vendors are available, documentation shall be provided to the Purchasing Manager to determine the best procurement option.

Quotes that range from \$3,500.00 to \$4,999.99 require three (3) verbal quotes. Verbal quotes shall be documented in writing by the requesting department utilizing Form #1 available on the S: Drive: Purchasing, Purchasing Policy Forms.

Quotes that range from \$5,000.00 to \$34,999.99 shall be provided in written form directly from the vendor, or by utilizing Form #2 available on the S: Drive: Purchasing, Purchasing Policy Forms. Each quote must be itemized, dated, and contain the date the quote expires.

Specifications should include all required information, so that vendors are able to provide accurate quotes. Be clear in what is being requested; specifically, requests should include quantities, product brand name if necessary, performance specifications, accessories you require to be included, delivery information, delivery schedule, and any other information that will help vendors accurately provide price quotations.

Departments are encouraged to request assistance from the Purchasing Manager if they require assistance in requesting quotes or preparing specifications.

Quality of product or service being equal, orders shall be awarded to the vendor whose price is lowest.

Departments are to purchase locally whenever possible. All purchases are subject to the Preference for Wyoming Labor and Wyoming Materials, as defined in this policy.

### **Award / Ordering Process:**

The award of goods or services from \$3,500.00 to \$34,999.00 **shall** be done via a purchase order. Utilizing a purchase order to initiate an award provides acceptance of the quote from the vendor. It also allows the Purchasing Manager and the requesting department requisition approver the opportunity to review the quotes to ensure compliance with this policy and ensure funding is available.

All quotes received must be attached to the requisition, at the time it is proposed. The Purchasing Manager will not process the Purchase Order until the three (3) quotes have been attached to the requisition. The Purchasing Manager reserves the right to obtain additional quotes from other sources or may verify the quotes already received.

Upon review of the three (3) quotes, the Purchasing Manager will generate the purchase order from the requisition and will provide the requesting department or individual a signed purchase order. The requesting department will provide the signed purchase order to the awarded vendor to initiate the order.

The purchase order will stay open until the goods or services are rendered; at which time the requesting department will process a final invoice against the open purchase order.

#### **Additional Items (Services):**

It may be necessary to request a Certificate of Insurance from the awarded vendor, prior to the issuance of a purchase order. This only applies to the award of services, not the purchase of supplies or equipment.

The Wyoming Association of Risk Management (WARM) has encouraged the City of Cheyenne to request a Certificate of Insurance from vendors, prior to the commencement of services. Requesting a Certificate of Insurance verifies that the City of Cheyenne is conducting business with vendors who have and maintain insurance coverage, and that each vendor's policy meets the minimum requirements for coverage levels.

Based on the scope of the services to be provided for some procurements in the \$3,500.00 to \$34,999.99 range, additional items may need to be included in the award process. Depending on the type of services being performed, it may be necessary to utilize a services contract or supplemental terms and conditions, in addition to the purchase order to award the services.

The Purchasing Manager is solely responsible to determine when it may be necessary to utilize a services contract or supplemental terms and conditions, in addition to a purchase order. The Purchasing Manager will coordinate with the requesting department on the above-mentioned items as needed.

Departments that award the purchase of goods or services **without** prior coordination and issuance of a purchase order from the Purchasing Manager **are solely responsible** for ensuring they are in compliance with the Purchasing Policy, and any applicable requirements as outlined above.

*Revised March 2020*

## **Procurement of Goods and Services from \$35,000.00 and Over**

(Refer to separate procedures for Used Vehicles and Used Equipment, Professional Services, and Construction and Labor Contracts.)

Expenditures of \$35,000.00 and over, and purchase or lease of new vehicles, regardless of cost, must be advertised and formally bid.

The department responsible for the project must submit detailed plans and specifications together with a cost estimate to the Purchasing Manager. The Purchasing Manager will assist in preparation of specifications if necessary, prepare the bidding documents, advertise the bid, place the bid on the City's website, attend pre-bid meetings as necessary or requested, issue addenda as required, publicly open the bids, prepare bid tabulations, review the bids with the department, and place the item on the Council Agenda for consideration of award.

After Governing Body approval of the award of a bid, a requisition shall be entered by the department/division and a purchase order will be generated by the Purchasing Manager to initiate the order for goods or services, unless a contract is involved.

If a contract is involved, the Purchasing Manager will issue the Notice of Award, prepare the agreement, ensure that contracts are signed and that bonding and insurance are provided as called for in the contract documents and issue the Notice to Proceed and other documents as applicable. When the procurement involves construction, the responsible department/division will normally schedule a "pre-construction" meeting with the contractor and must verify that the contractor and all subcontractors hold appropriate licenses. No work may begin on a construction project until the Notice to Proceed is issued.

When progress payments are to be made, the department/division is responsible for entering the requisitions in accordance with the procedures for construction and labor contracts.

Upon satisfactory completion of the work or delivery of the items, the department must notify the Purchasing Manager. When applicable, the Purchasing Manager will advertise the notice of final settlement, request final lien releases, etc., from the Contractors and release any bonds or retained funds when all conditions of the bid or contract documents have been met.

*Revised March 2020*



## **Construction and Labor Contracts**

Any construction or labor contracts that are not advertised for bid must be awarded to Wyoming resident contractors. The State of Wyoming Department of Workforce Services, certifies residency status for contractors.

Departments shall ensure that any contractor that is hired holds the appropriate license(s) and obtains the necessary permit(s) for the work being conducted, by contacting the City's Compliance Division.

Contracts for public improvements that are estimated to be \$35,000.00 or greater, including all related costs, shall be formally bid by the Purchasing Manager to ensure compliance with all applicable laws including bonding and advertising. The department responsible for the project must submit detailed plans and specifications together with a project cost estimate to the Purchasing Division. The Purchasing Manager will assist in preparation of specifications if necessary, prepare the bidding documents, advertise the bid, place the bid on the City's website, attend pre-bid meetings as necessary or requested, issue addenda as required, publicly open the bids, prepare bid tabulations, review the bids with the department, and place the item on the Council Agenda for consideration of award.

After award of the contract by the Governing Body, the Purchasing Manager will issue the Notice of Award and other required contract documents to the successful bidder, ensure that all required bonds and insurance certificates are received and obtain all necessary signatures. With concurrence of the department/division, the Purchasing Manager will then issue the Notice to Proceed.

The contractor may submit billings for progress payments, typically on a monthly basis, for the work completed. If an architect or engineer is hired for construction management, the contractor will submit the pay requests to the architect/engineer for verification and approval. The architect/engineer then forwards the billing to the applicable department/division. The department/division will generate the requisition(s) to initiate the payment process. The pay request shall be submitted on the Contract Payment Request Form and Itemized Pay Request Form (Form #4a and #4b, available on the S: Drive: Purchasing, Purchasing Policy Forms) or the AIA Documents G702 and G703, and must contain or be accompanied by, a certification by the engineer and/or designated City representative that the amount of work estimated to have been done conforms in all material respects with the requirements of the contract.

### **Retainage Administration:**

For contracts exceeding \$25,000.00 the City will withhold ten percent (10%) of the work's dollar value completed throughout the contract term.

Contractors may elect to set up an interest-bearing account at a financial institution of their choosing. If the Contractor elects to set up an interest-bearing account, the department/division must enter two requisitions, one for the Contractor (Pay Application), and one for the payment of retained funds to the contractor's designated depository (10% Retainage). The Purchasing

Manager will advise the department of the Innoprise vendor number of the financial institution the Contractor has chosen as the depository of these funds.

If the Contractor does not set up an interest-bearing account at a financial institution, the City will hold the retained funds until the project is complete.

Upon satisfactory completion of the work, the department must notify the Purchasing Manager. When applicable, the Purchasing Manager will advertise the notice of final settlement, request final lien releases, etc., from the Contractors and release any bonds or retained funds when all conditions of the bid or contract documents have been met.

Wyoming Statute §16-6-101 through §16-6-104  
Wyoming Statute §15-1-113

*Revised March 2020*

## Preference for Wyoming Labor and Wyoming Materials

All procurements conducted by the City of Cheyenne shall be in accordance with the Wyoming Statutes governing Preference for Wyoming Labor and Wyoming Materials. Purchases of products, equipment, materials and services shall be given a 5% preference over items of equal quality by out-of-state vendors.

In the case where Federal funding is utilized for the procurement, there will be no in-state preference.

Departments shall purchase locally whenever possible. All purchases are subject to Preference for Wyoming Labor and Wyoming Materials, as defined in this policy.

### *Example of applying the 5% preference:*

Wyoming Vendor #1 Price Quote	= \$10,000.00
Out-Of-State Vendor #2 Price Quote	= <b>\$9,600.00</b>

To apply the preference, add 5% to the out-of-state vendors bid price.

Out-Of-State Vendor #2 Price Quote	= \$9,600.00 * 105% = \$10,080.00
------------------------------------	-----------------------------------

Evaluate with preference applied:

Wyoming Vendor #1 Price Quote	= <b>\$10,000.00</b>
Out-Of-State Vendor #2 Price Quote	= \$10,080.00

In this example, the Wyoming vendor would be given preference for this award.

The bidding documents utilized by the Purchasing Manager contain the required language, and they are included below.

### **Language Included in Construction Bids:**

Pursuant to Wyo. Stat. § 16-6-104, Wyoming made materials and products, and Wyoming suppliers of products and materials of equal quality and desirability shall have preference over materials or products produced or supplied outside the state and any contract let shall so provide. The City shall apply the preference created by Wyo. Stat. § 16-6-104 in a manner identical to the preference for resident contractors in Wyo. Stat. § 16-6-102.

Pursuant to Wyo. Stat. § 16-6-102, the City shall award the contract to the responsible, certified resident making the lowest responsible bid, if the certified resident's bid is not more than five percent (5%) higher than the lowest responsible, nonresident bidder.

Pursuant to Wyo. Stat. § 16-6-103, a successful resident bidder shall not subcontract more than thirty percent (30%) of the work covered by the contract to nonresident contractors.

Pursuant to Wyo. Stat. § 16-6-106, preference is hereby given to materials, supplies, agricultural products, equipment, machinery, and provisions produced, manufactured, or grown in Wyoming, or supplied by a state resident, quality being equal to articles offered by the competitors outside of the state.

Pursuant to W.S. § 16-6-107, the structure or structures to be constructed pursuant to this invitation to bidders shall be constructed and maintained by materials produced or manufactured in Wyoming if Wyoming materials are suitable and can be furnished in marketable quantities. Preference shall not be granted for materials of an inferior quality to those offered by competitors outside of the state, but a differential of five percent (5%) shall be allowed in cost of contracts Wyoming materials produced or manufactured in Wyoming.

Pursuant to Wyo. Stat. § 16-6-203, the successful bidder shall employ only Wyoming laborers on the project, and the contract awarded to the successful bidder shall contain a provision requiring that Wyoming labor be used, except other laborers may be used when Wyoming laborers are not available for employment within the state, or are not qualified to perform the work involved. In addition, the contract shall contain a provision requiring specific acknowledgement of the requirements of this section. The successful bidder may employ laborers other than Wyoming laborers if:

- (i) The successful bidder informs the nearest state workforce center of his employment needs at least eleven (11) calendar days before work is commenced;
- (ii) The state workforce center certifies that the bidder's need for laborers cannot be filled from those Wyoming laborers listed with the Wyoming Department of Workforce Services. The department shall respond to a bidder's request for certification within ten (10) calendar days of the date the information is filed; and
- (iii) The successful bidder shall also agree to promptly respond to requests from the Wyoming Department of Workforce Services for the most recent construction schedule for the project.

### **Language Included in Equipment Bids**

Award will be made to the qualified, responsible Wyoming resident bidder submitting the lowest responsive bid, if such resident's bid is not more than five percent (5%) higher than that of the lowest qualified nonresident bidder. If the bidder is a resident bidder, they may be asked to provide a copy of the "State of Wyoming Certificate of Residency Status". The 5% Wyoming resident preference will not be applied for expenditures where federal funds are involved.

*Revised March 2020*

## **Split Purchases**

Under no circumstances are multiple or partial purchases to be made in order to circumvent the purchasing policy or any statutory bidding requirement. (Wyoming Statute §15-1-113). Projects shall not be divided into smaller units for the purpose of avoiding bidding requirements.

Each purchasing threshold (\$0.00 to \$3,499.99), (\$3,500.00 to \$34,999.99), and (\$35,000.00 and above) has specific requirements for conducting procurements.

As previously mentioned in this policy, the purchasing limit for each threshold pertains to each type, or category of item that is being purchased. If the immediate need is for part/component “A” and part/component “B” to have a complete and useable product or system, you must consider the total cost of all “parts” or “components” and utilize the procurement requirements associated with that total dollar amount.

*Revised March 2020*

## **Sole/Single Source Purchase**

### **Sole Source Purchase:**

There is only one source, nationwide, for a certain piece of equipment or service. This is usually because of its technological, specialized, or unique character

### **Single Source Purchase:**

There is more than one source in the open market but only for reasons of function or service one vendor is recommended for consideration of the goods and/or services.

### **Approval Process from \$3,500.00 to \$34,999.99:**

When requesting to purchase items in an amount from \$3,500.00 to \$34,999.99 that does not allow for a competitive quote process due to only one (1) known source, a Request for Sole Source Purchase or Single Source Purchase, (Form #3) available on the S: Drive: Purchasing, Purchasing Policy Forms, must be completed. Departments are encouraged to request assistance from the Purchasing Manager if needed while completing the form.

Departments shall fill out **ALL** fields on the Request for Sole/Single Source Purchase Form and return the completed form to the Purchasing Manager.

Departments shall clearly state the reason and justification for the sole/single source. Departments are instructed to provide clear and concise factual evidence and justification to support the sole/single source.

Generalized or vague statements which do not provide clear justification to support the reasoning for the sole/single source are not sufficient, and the Purchasing Manager will not proceed with the procurement until further justification is provided. The Purchasing Manager reserves the right to research the sole/single source to confirm there are no other vendors on the open market that can provide the goods or services.

Depending on each procurement the vendor may be required to provide a letter indicating that they are the sole/single supplier of the item or service being requested. This is typical of product manufacturers with restricted resellers or controlled authorized service providers.

Upon completion of the Sole/Single Source Form, and Vendor Sole/Single Source Letter (if required), the department shall enter a requisition so that a Purchase Order can be generated to initiate the order or services.

### **Approval Process in excess of \$35,000.00:**

Sole/single source purchases that are in excess of \$35,000.00, must follow additional procedures from the approval process from procurements of \$3,500.00 to \$34,999.99 before the procurement may proceed.

Upon completion of the Sole/Single Source Form, and Vendor Sole/Single Source Letter (if required), the Intent to Purchase shall be advertised two (2) times in a local newspaper at seven (7)

days apart. The Purchasing Manager will prepare the legal advertisement and will place the publication. Example of legal advertisement is provided below for reference.

After the legal advertisement has been placed, the consideration to purchase must be placed on the Council Agenda for consideration of award. Upon Governing Body approval of the item, a requisition shall be entered by the department/division and a purchase order will be generated by the Purchasing Manager to initiate the order for goods or services, unless a contract is involved.

***Example Legal Advertisement:***

**REQUEST TO PURCHASE OVER \$35,000.00**

The City of Cheyenne requests to purchase (ITEM DESCRIPTION), from (VENDOR), (VENDOR LOCATION), in the amount of (\$XXXX.XX). This is a single source purchase, therefore no bids were requested.

This will be reviewed by the City Council Finance Committee on (FINANCE MEETING DATE) and voted on at the (COUNCIL MEETING DATE) City Council meeting.

If you have any questions, please call TJ Barttelbort at 307-773-1045.

TJ Barttelbort  
Purchasing Manager  
City of Cheyenne, WY

Published in: Wyoming Tribune-Eagle  
Dates: (DATE #1 & DATE #2)

*Revised March 2020*

## **Emergency Procurement**

In the event of a sudden or unexpected emergency situation where it is imperative that immediate action be taken to prevent serious damage to health, welfare or safety of the public, the Mayor may authorize purchases of goods or services exceeding the prescribed limits of these Purchasing Procedures, provided that the emergency is present, immediate and existing, and not a condition which may or may not arise in the future or a condition which reasonably may be foreseen in time to advertise for bids; and that such emergency procurement be made with such competition as is practicable under the circumstances.

Emergency procurements are generally conducted in response to an Act of God (an overwhelming event caused exclusively by natural forces whose effects could not possibly be prevented, such as a flood, earthquake, or tornado), or in response to a situation which affects the life, health and immediate safety of City staff or public citizens.

The Department Director(s) that are affected by the emergency must provide written determination of the basis for the emergency to the Mayor, and shall coordinate selection of vendor(s) or contractor(s) with the Purchasing Division. Failure on the part of a Department Director to have anticipated obvious conditions which would certainly jeopardize public health, welfare, or safety, or delaying to take action to meet conditions which were expected in advance to become such a threat that further delay caused by advertising for bids would entail public calamity, is not considered to be an emergency under this procedure.

Even though deemed an emergency, the policy for “Purchase of Used Vehicles, Used Equipment” shall be followed.

*Revised March 2020*



## **Repairs**

Requisitions for repairs should be generated using the vendor's estimated repair cost. If the estimated amount exceeds \$3,499.99, additional estimates should be requested from other qualified vendors, if available. Occasionally, repair costs cannot be accurately estimated. If the original estimate is less than \$3,499.99, but as the work progresses it is discovered that additional repairs are necessary, the Department Director shall coordinate with the Purchasing Manager determine whether to go ahead with the additional repair work. In no instance may any repair exceed \$35,000.00 without approval of the Governing Body.

For the purposes of this procedure, remodeling of buildings, street reconstruction and related improvements are considered public improvements, not repairs, and must be advertised for sealed bids, if the price exceeds \$35,000.00, in accordance with procedures for Procurement of Goods and Services.

*Revised March 2020*

## **Purchase or Lease of New Vehicles/Equipment**

The purchase or lease of any new vehicle and/or equipment shall be advertised for bid regardless of its cost. If trade-in vehicles/equipment are involved, these must be included in the bid advertisement.<sup>1</sup> The department/division requesting the new vehicle/equipment must supply Fleet Maintenance with a complete description of what they need, a completed Vehicle/Equipment “Process” List found on the S: Drive: Purchasing, Purchasing Policy Forms, and the block number of the vehicle/equipment that is being turned in. Fleet Maintenance will then coordinate with the Purchasing Manager with the specification and any other information that is needed before the bids are advertised. Bids will be processed in accordance with the procedures for Procurement of Goods and Services from \$35,000.00 and Over.

<sup>1</sup> Wyoming Statute §15-1-113 (a)

### **Governing Body Approval:**

Regardless of cost, all purchases of new motor vehicles shall be approved by the Governing Body.

Cheyenne Municipal Code, 2.04.160 - Readings—Committee reports—Amendments. D. Contracts requiring governing body approval prior to execution by the mayor are as follows: 2. Purchase of new motor vehicles;

*Revised March 2020*

## **Purchase of Used Vehicles/Equipment**

Procurement of used vehicles and/or used equipment will be processed through the Purchasing Manager prior to any commitment being made to a seller. The department requesting the used vehicle or equipment should determine its minimum requirements for the unit and request a meeting with the Director of Public Works, Fleet Manager, and the Purchasing Manager.

### **Final selection of a used vehicle or used equipment must be approved by the Mayor, and the Director of Public Works.**

Selection will be made only from vehicles or equipment meeting or exceeding the minimum requirements set forth by the department/division. If the amount exceeds \$35,000.00 the expenditure must be approved by the Governing Body. The consideration to purchase must be placed on the Council Agenda for consideration of award. Upon Governing Body approval of the item, a requisition shall be entered by the department/division and a purchase order will be generated by the Purchasing Manager to initiate the order for goods or services, unless a contract is involved.

In order to comply with the requirements of Wyoming Statutes §15-1-112 and §15-1-113 departments desiring to dispose of a used vehicle valued at \$500 or more cannot use it as a trade-in on the purchase of another used vehicle. If not traded on a new vehicle, it must be advertised for sale by sealed bids or sold at public auction. Refer to the procedure for disposal of surplus property for additional information.

Wyoming Statute: §15-1-112, and §15-1-113

*Revised March 2020*

## **Purchasing Goods, Equipment or Vehicles at Auction**

If used equipment or a used vehicle that is needed by a department/division becomes available at an auction, the department/division should carefully preview the item with mechanics or other Fleet Maintenance personnel. The bid given for the item cannot exceed \$35,000.00 unless the department/division obtained prior approval of the Governing Body for the purchase of the item.

### **Final approval must be granted by the Mayor, and the Director of Public Works.**

Before bidding on the item, the department/division must have verified with the auctioneer that a City purchase order will be accepted and should explain the City's payment procedure to the auctioneer.

If the auctioneer requires a purchase order prior to the auction, the department/division should enter a requisition that contains a general description of the item or items that will be bid upon, and list the amount that the department/division will not exceed for each item. A purchase order will be issued for the department/division representative to take to the auction, or to give to the auctioneer prior to the auction, according to arrangements made with the auctioneer. Because terms of sale may vary among auctioneers, arrangements should be coordinated with the Purchasing Manager prior to the date of the sale. The department/division should match sale receipts to the purchase order and note any price or item adjustments (these adjustments may require that the Purchasing Manager do a "change order"). The department/division signature for approval of payment should then be placed in the appropriate space on the "invoice/receipt", and it should be forwarded immediately to Accounts Payable to expedite payment.

*Revised March 2020*

## **Printing and Forms**

Orders for printing and forms should follow procurement procedures in accordance with expenditure limits. Because explicit specifications are normally necessary to obtain accurate price quotes for printing jobs, departments/divisions are encouraged to contact the Purchasing Manager for assistance in developing specifications and for requesting prices. Be advised that state law mandates that Wyoming printers be given a 10% preference if 75% or more of the work will be done in the state.<sup>1</sup> The preference is applied by adding 10% to the quotes or bids of firms doing less than 75% of the work in Wyoming.

If the department/division wishes the Purchasing Manager to assist in formulating the printing job description (specification), or if the probable cost is \$3,499.99 or more, it should submit a memo to the Purchasing Manager stating the quantity required along with a sample of the form, brochure, etc. Be sure to indicate any revisions that are needed. If the form or other printing is new, submit a "draft" sample or description that depicts size, copy, number of parts or pages, type of paper, ink color, and any other features, such as binding.

<sup>1</sup>Wyoming Statute §16-6-301

## **Business Cards and Letterhead Stationery**

Business card orders will be processed through the Budget and Finance Division. All cards will follow the standard format shown below unless a particular department has been exempted by the Mayor on the basis of specific departmental function that requires a unique logo.

Please submit requests for these business cards on a paper requisition that includes the quantity, budget information, and approver signature, with a sample to be imprinted. The Treasurer's Department will enter the requisition and submit the orders to the printer. \*Delivery will be approximately two (2) weeks thereafter.

Standard Format:

Name

Title

Address Including Room #.

City, State, Zip

Phone

Fax

Email

(City website if wanted)

Contact the Purchasing Manager for current prices.

\*If fewer than four orders of either 250 or 500 cards are received in the Budget and Finance Division by the cutoff date, the ordering departments/divisions will be contacted to see whether they want to order at a higher rate, or wait to combine their order with other departments/divisions at a lower rate.

Any business card order processed directly through a printer will be the responsibility of the ordering individual and will not be paid by City funds unless the order is for cards with a different format that has been approved by the Mayor.

City letterhead stationery and envelopes with the official logo are available in the Purchasing Division.

## **Uniforms, Special Work Clothing and Steel-Toe Footwear Policy**

### **Uniforms:**

Procurement of annual uniform requirements for uniformed employees will be in accordance with established purchasing procedures relative to the anticipated dollar amounts. Responsibility for furnishing uniforms is determined by the respective employee agreements.

### **Special Work Clothing:**

Non-uniformed employees whose job requirements or for whom City work policy requires the wearing of special work clothing or other safety-related apparel may be entitled to certain City-furnished clothing where work clothing allowances have been budgeted. The types of work clothing allowed under this policy include inclement -weather gear for employees required to work outdoors, and special work clothing required for specific position requirements such as lifeguards, security, or event staff. The first year an employee is hired, they are allowed to pick between a coat/jacket or coveralls. The next year, the employee is allowed the other item they didn't choose the first year. Replacements of these items are at the discretion of the department director/division administrator and may not be replaced every year. The employee will have to take their article of clothing into the department director/division administrator and explain why a new one is needed. The department director/division administrator will decide if the article of clothing needs to be replaced immediately. Some items may be sent to the cleaners instead of replacing them. Safety vests, work gloves, and hard hats will be provided for employees whose job requires them. City-furnished clothing shall be worn by the employee for work-related activities only.

Any item with the City logos must be returned upon leaving the City. The total cost of all items to be reimbursed to the City of Cheyenne will be deducted from the employee's final paycheck until payment for said items has been received.

Generally, the types of clothing found in an employee's normal wardrobe are not considered special work clothing and will not be approved. These include but are not limited to the following: shirts and t-shirts, socks, hats, baseballs caps, jeans, slacks, long underwear, and shoes.

*Revised March 2020*

**Steel-Toe Footwear:**

Department budget’s permitting, employees who are required for job-related safety reasons to wear steel-toe shoes or boots may be allowed up to Four-Hundred Dollars (\$400.00) per fiscal year to purchase up to two (2) pair of boots.

Employees may purchase one (1) pair of boots for the Spring/Summer season, and one (1) pair of boots for the Fall/Winter season. The Four-Hundred Dollar (\$400.00) purchasing allowance may be split between each boot purchase, in order to maximize the benefit for the employee (A 50% - 50% split of the purchasing allowance is not required for each pair of boots purchased, i.e. the employee may spend more on their winter pair of boots than their summer pair of boots if so desired). Employees shall be responsible for ensuring they do not exceed the Four-Hundred Dollar (\$400.00) allowance in each fiscal year and are personally responsible to cover all costs in excess of the Four-Hundred Dollar (\$400.00) allowance.

All boot purchases are subject to Department Director discretion and approval. City-furnished footwear shall be worn by the employee for work-related activities only.

**Proof of the ASTM safety compliance with rating a of F2413-11, a receipt or invoice for the transaction, and the below Clothing & Footwear Agreement must be submitted to your Department Director or Division Administrator for each purchase.** If footwear is damaged or becomes unusable due to job related wear and tear, the City may replace the damaged footwear at the discretion and written approval of the Department Director or Division Administrator. Employees shall be responsible to replace at their own expense if the footwear becomes lost, or damaged due to negligence or improper use.

**Clothing & Footwear Agreement**

New employees on the probation period as defined by the City of Cheyenne Personnel Rules & Regulations shall reimburse the City for all clothing and footwear purchased by the City if terminated or resigns while on probation. All other employees who resign or are terminated within ninety (90) days of the purchase of clothing or footwear provided by the City, agree to reimburse the City for the cost of all items purchased within the ninety (90) day period. The total cost of all items to be reimbursed back to the City of Cheyenne will be deducted from the employee’s final paycheck until payment for said items has been received.

I have read, understood and agree to the procedures and terms of the City of Cheyenne Uniforms, Special Work Clothing and Steel-Toe Footwear policy as provided in the City of Cheyenne Purchasing Manual. If you do not agree to these terms, the employee will be required to purchase their own work clothing and footwear as required.

\_\_\_\_\_  
Name of Employee

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Date

**NOTE: This form MUST be turned in with the invoice before the invoice is paid**

*Revised March 2020*



## Miscellaneous Purchases

### 1. Public Celebrations and Events:

The City of Cheyenne may expend funds for events in furtherance of a public purpose. City funds may be utilized for the annual summer picnic, the annual employee's holiday lunch, the annual Director's dinner, and the City Council straw poll dinner. Expenses for these permitted events shall be limited by the per diem rates described elsewhere in these policies.

### 2. Coffee, Food, Light Refreshments:

- a. The purchase of food and drink items shall be limited to when employees and public officials are required to work an extended period of time outside of normal business hours (specific work sessions or meetings to discuss business not normally considered routine), or when conducting City business to the benefit of the public (such as public hearings, or public work sessions), when the public is encouraged and invited to attend.
  - i. This includes instances of the City performing outreach or education to the public via workshops, training or forums (such as Citizens Police Academy, or Junior Leadership of Laramie County).
  - ii. In accordance with this Policy, the purchase of Coffee, Food, or Light Refreshments may be purchased with City funds for certain types of internal staff trainings. These types of trainings include classroom style training and field training, where all day training sessions do not allow for a break over a meal period. This also applies to staff testing sessions or interview boards, as they specifically relate to position specific career advancements and testing requirements. Test proctors and assistants may be included in the coverage of this provision.
- b. Providing coffee, food or light refreshments for these types of meetings is appropriate only when, due to the scheduling of a meeting, it is not feasible for attendees to eat prior to the commencement of the meeting, or if the duration of the meeting necessitates providing coffee, food or light refreshments. Whenever possible, meetings shall not be scheduled concurrent or adjacent to meal periods in order to reduce the necessity of providing coffee, food or light refreshments. If a delivery service is utilized, tips or gratuities shall not exceed 20%.
  - i. Drink items shall be limited to coffee, tea, sugar, creamer, water, and cups. Flavored coffees, hot chocolate, cider, etc. shall not be purchased with City funds.
  - ii. Light refreshment items shall be limited to donuts, cookies, sweet rolls, pieces of fruit, cheese, or other items of similar nominal cost.

- iii. Food items shall be limited to what serves the needs of the meeting attendees at the least cost to the City. Examples include pizza or sandwiches that are easily divided among meeting attendees.
- c. Routine individual or private group meetings conducted with City staff during normal working hours are ineligible for the purchase of coffee, food or light refreshments with City funds. Normally scheduled recurring meetings such as the Finance Committee, Public Services Committee, City Council Meeting, or any other regularly scheduled recurring meetings are also ineligible for the purchase of coffee, food or light refreshments with City funds. These types of meetings are conducted on a regular basis to discuss typical day-to-day City operations.
- d. Coffee, food, or light refreshments, for employees use during normal working hours, are considered personal and not for a public purpose. This is improper unless specifically provided for in a collective bargaining agreement.
- e. Commercial bottled water service such as Culligan or Deep Rock shall be allowed if water is available to the public. Bottled water is permissible for use in the Mayor's office, as well as City Council chambers and offices.
- f. The provisions of this section relating to the purchase of Coffee, Food, Light Refreshments does not apply to the purchase of the following:
  - i. The purchase of items for resale as concessions.
  - ii. The purchase of items to meet the requirements or provisions of Performance Agreements for acts and artists hired by the City of Cheyenne.

### **3. Local Meeting Meal Reimbursement:**

- a. When an individual City employee or official, acting in his/her official capacity, is required to attend a luncheon or other meeting at a local establishment where meals are served, the employee should pay for the meal and can be reimbursed through the petty cash fund in the City Treasurer's Office if under \$25.00. Any tip or gratuity shall not exceed 20%. When the meal receipt is presented for reimbursement, it must be accompanied by a properly filled out petty cash reimbursement form signed by the Department Director or Division Administrator. Petty cash reimbursement forms may be obtained from the City Treasurer's Office.
- b. The following criteria must be met in order for the local meeting meal reimbursement to be considered valid:
  - i. The meeting shall be to discuss business to the benefit of the public with an entity that has a legitimate claim to conduct business with or for the City of Cheyenne.

- ii. The meeting is not solely between or among City staff.
  - iii. The meeting could not be accomplished during normal working hours.
  - iv. The individual attending the meeting is employed at an executive or managerial level such as elected officials, department director or division administrator.
- c. Meetings or presentations conducted concurrently during a lunch meal, (such as a Chamber of Commerce luncheon), may be reimbursed by the City if the meeting meets the above requirements of this section.
  - d. Upon completion of a valid local meeting where a meal reimbursement is requested, a brief summary of the purpose of the meeting shall be provided with the reimbursement request to document the business discussed.

**4. Non-Local Meeting Meal Reimbursement:**

Reimbursements for meetings outside of Cheyenne shall be processed in accordance with the City of Cheyenne Travel Policy (see Section 1.A.).

**5. Retirement/Recognition Functions and Employee and Retiree Gifts/Flowers:**

- a. Gifts or plaques for employees or officials, flowers for any purpose such as funerals and recognition dinners for staff, are usually not for a public purpose and therefore are not an allowable expense. Gift cards shall not be purchased with City funds for any purpose.
- b. The purchase of coffee, food or light refreshments for retirement functions, appointment ceremonies, promotion ceremonies and service recognition ceremonies are ineligible for purchase with City funds.
- c. If City funds are to be utilized to provide gifts to employees or officials, it shall be in accordance with Internal Revenue Service rules for de minimis fringe benefits. De minimis benefits are items with low values that are given to employees. These types of gifts are to be utilized infrequently and only under special circumstances. Any gift given in accordance with this section shall be so small as to make accounting for it unreasonable or impractical (i.e. one (1) coffee mug). Individuals who have served a complete term on a Mayoral appointed Board or Commission are eligible to receive a gift in accordance with this section. Except as noted below and in accordance with this section, gifts given to employees or officials are taxable and shall not be paid for utilizing City funds.

- d. All gifts shall be given in accordance with the Internal Revenue Service, Employer's Tax Guide to Fringe Benefits (Publication 15-B), Achievement Awards, and IRS Publication 535, Achievement Awards.
  - i. An achievement award is an item of tangible personal property that meets all the following requirements.
    - 1. It is given to an employee for length of service or safety achievement.
    - 2. It is awarded as part of a meaningful presentation.
    - 3. It is awarded under conditions and circumstances that don't create a significant likelihood of disguised pay.

**6. Promotional Items:**

- a. The purchase of promotional items must be for distribution to the public for the purpose of promoting or advertising City events. City staff shall not personally utilize City funded promotional items.

**7. Membership Dues:**

Membership dues to non-governmental associations such as the Wyoming Association of Municipalities, Cheyenne Chamber of Commerce, and Cheyenne-Laramie County Corporation for Economic Development (LEADS), as well as similar organizations that advise, inform and educate officials and employees are appropriate. Membership dues to recreational or social entities are not appropriate.

**8. Training and Education:**

Registration fees, lodging, travel, and meals while attending public informational or educational workshops and seminars are appropriate. All expenditures shall be conducted within the restrictions of the City of Cheyenne Travel Policy.

**9. Decorations:**

Decorations of any type cannot be purchased with City funds. The only exception to the policy is the purchase of holiday decorations for the purpose of decorating the exterior of the City of Cheyenne Municipal Building, Cheyenne Depot Plaza, and traffic signals and light poles in the downtown district. The City of Cheyenne may purchase holiday decorations for the interior and exterior of City owned facilities which are rented to the public.

**10. First Aid Supplies:**

City funds may be used to provide basic First Aid Supplies. Oral medications of any type shall not be purchased with City funds.

**11. Appliance for office use:**

No appliances may be purchased without approval from the Department Director. Appliances shall not be purchased for individuals but may be purchased if they can be utilized communally by more than one individual.

*Revised March 2020*

## **Procurement of Public Art**

Sculpture and other public art will be purchased using the following guidelines. These guidelines do not prohibit the solicitation of formal Requests for Proposals (RFP'S) for any art project, if the Art in Public Places Committee (AIPP) or the Governing Body of the City wishes.

The City of Cheyenne Art in Public Places Committee (AIPP), which consists of nine members of the community, will consider proposals and make recommendation to the Governing Body on a continuing basis for sculpture or other art to be placed in various public locations owned by the City of Cheyenne. Artists are invited to submit proposals for their work for consideration throughout the year to the AIPP Committee. The Committee meets quarterly by ordinance, as long as budget funds are available, and may have special meetings during the year, at which times proposals may be reviewed.

The Committee will consider pieces for placement in various parks and other public areas of the City. The artist should have a definite subject corresponding to a specific location in mind when submitting a proposal. A maximum of twelve 35mm slides or digital pictures, showing recent work, a slide script, résumé, and graphic depiction (slides, photos, sketch, description no larger than 8½" x 14") of the proposed piece may be submitted. Proposals intended for consideration by the Art in Public Places Committee should be submitted to the City of Cheyenne Purchasing Manager , Room 309, 2101 O'Neil Avenue, Cheyenne, WY 82001.

The AIPP Committee and other City entities or departments/divisions may also consider pieces from collections, galleries, studios, or exhibits, or may request formal RFP's for specific projects. All public art selected by the AIPP committee or City departments/divisions is subject to final approval by the Governing Body of the City of Cheyenne. Proposals submitted in response to formal RFP's should be submitted to the City department that will be designated in the RFP.

Proposals will be kept on file at the City for a period not to exceed six (6) months unless earlier return of the materials is requested by the artist. Proposals of artists whose work is selected will not be returned. All proposals received will be considered public information by the City of Cheyenne. Any information considered by the artist to be privileged or confidential should not be revealed in the proposal.

## **PART III – PROFESSIONAL SERVICES**

### **Professional Services**

For the purposes of this Purchasing Policy Manual, the phrase "Professional Services" is defined as follows: services rendered by members of a recognized profession or by persons possessing special skills or expertise. Professional Services include the provision of information, advice, training, or assistance. As typical examples, professional services agreements are used to purchase the services of licensed professionals or other experts in the form of studies, reports, memoranda, designs, templates, information technology programming, and other like or similar matters. Professional services agreements are also used to purchase the services of professionals and other experts in the form of presentations, seminars, legal representation, and other like or similar functions. Professional services agreements are also used to purchase the services of professionals and other experts in the form of administration or management services, such as construction contract administration services.

Professional Services agreements are typically used to procure the services of accountants, auditors, actuaries, appraisers, architects, attorneys, business consultants, business development managers, copywriters, engineers, land surveyors, public relations professionals, recruiters, researchers, real estate agents and brokers, translators and medical service providers.

The Professional Services policies contained in this manual may not be used to procure construction services in the form of labor or materials to construct or maintain streets, alleys, sidewalks, bridges, water mains, sewer mains, drainage facilities, or other public buildings or infrastructure. These Professional Services policies may not be used to purchase moveable equipment, components, or fixtures even if such items are being purchased by the City pursuant to a sales and installation contract.

Professional Services agreements may not be treated as "sole source" contracts.

#### **Governing Body Approval / Professional Services:**

Cheyenne City Code, 2.04.160 - Readings—Committee reports—Amendments. D. Contracts requiring governing body approval prior to execution by the mayor are as follows: 6. In excess of thirty-five thousand dollars (\$35,000.00), with the exception of those listed below: a. Contracts for Professional Services in excess of **twenty-five thousand dollars (\$25,000.00)**.

*Revised March 2020*

## **Procurement of Professional Services for Architects, Engineers and Land Surveyors**

### **1. GENERALLY**

- a. Although Wyoming Statute §15-1-113(a) specifically exempts contracts for professional services from bidding requirements, the City has determined that it should adopt a formal procedure for the selection of these services.

Note: Contracts for less than \$200,000 do not require proposals; however, the City Engineer or contracting department may utilize the proposal process for a contract of any amount. Firms for consideration should be selected from SOQ's (Statements of Qualification) on file in the office of the City Engineer. All Professional Services contracts in excess of \$25,000.00 shall be subject to Governing Body approval in accordance with Cheyenne City Code 2.04.160. No contract which has been awarded for less than \$25,000.00 may be modified to increase the amount to \$25,000.00 or greater without approval of the Governing Body.

- b. The services addressed in this procedure apply to contracts with architects, engineers and land surveyors which total \$200,000 or more.
- c. Wyoming Statute §9-2-1027 through §9-2-1033 pertains to State of Wyoming agencies and is known as the "Professional Architectural, Engineering and Land Surveying Services Procurement Act" (the Act). The City has adopted §9-2-1030 through §9-2-1032 of the Act for inclusion in its procedure governing procurement of these services.
  - i. The City will advertise the RFP two (2) times in a local newspaper. (see example of advertisement on page III.6)
  - ii. The City will consider all interested consultants qualified to provide the required professional services.

### **2. PRE-PROPOSAL PROCEDURES**

- a. List of qualified professionals to be developed:
  - i. The City Engineer will develop and maintain lists of qualified architects, engineers and land surveyors for selection under this procedure. The consultants shall be required to submit detailed Statements of Qualifications (SOQ) and performance data, and any other information required by the City. The City Engineer's Office will provide copies upon request.
  - ii. The completed SOQ's and forms will be kept on file in the office of the City Engineer and must be updated by the consultants every two (2) years, or more often if conditions in the status of the firm have changed.



b. RFP Format

- i. The City Engineer will develop an RFP format as a guideline for departments/divisions to use with the requests for proposals. The form may be revised from time to time or modified for specific projects as necessary. The City Engineer will develop standard rating/weight forms to be used in the selection process.

c. Scope of Work to be developed by Department/Division

- i. The department/division procuring professional services should develop the scope of work within the standard format, according to its needs. The Purchasing Manager will provide the RFP number. The RFP will be reviewed by the City Engineer, the Purchasing Manager, City Attorney, and Risk Specialist. The Risk Specialist will determine the type and extent of general and professional liability insurance coverage, if any, that should be considered for the project.

d. Coordination with City Departments/Divisions

- i. The department/division will coordinate its requirements with the City Engineer who will assist the department/division in determining the qualifications required of a consultant for the specific project. The City Engineer and the department/division will review the SOQ forms submitted and develop a list of consultants suited to the requirements of the project.

e. Contents of RFP

- i. The RFP shall state all the evaluation factors that will be used. The Standard Rating/Weight Form shall be included in all RFP documents and will show the weighted values assigned to the evaluation criteria for the project. There should be no deviation from the established criteria in evaluating proposals.
- ii. The RFP should describe the entire project giving a complete description of the contemplated work, and include the proposed construction budget. It should state whether proposals will address engineering design only, or whether construction engineering (construction management) will also be included. If construction engineering is included, costs should be requested with the initial proposal if feasible. If negotiated after the design phase is complete, the construction engineering may only be added to the contract with the original consultant as a contract modification in accordance with Section V Paragraph f, CONTRACT PROCEDURE.
- iii. All proposals received will be considered public information by the City of Cheyenne. The RFP should advise consultants that any information

considered by them to be trade secrets privileged or confidential data should not be revealed in the proposal. Contents of proposals received and completed rating sheets will be made available upon request after the selection process has been completed and the contract has been awarded. A copy of the proposal of the firm awarded the contract will be kept on file with the project records of the department/division. The proposal that is approved, as well as one copy of all other proposals received, and any audio recording made at the pre-proposal or other meetings during the RFP process will be maintained by the City for the minimum timeframe pursuant to the City's Records Retention Schedules. request.

### 3. NOTICE

- a. The department/division will publish an advertisement in a local newspaper (see example advertisement) notifying prospective consultants that proposals are being requested. The advertisement should be published two (2) times, at least a week apart. Except under unusual circumstances, the second ad should appear not less than two weeks before the RFP closing date. Three or more weeks' notice is recommended whenever possible to give consultants sufficient time to prepare proposals.
- b. The publication should include a general description of the project, the date, time and place proposal will be due, and where interested consultants can obtain the RFP documents.
- c. The department/division may notify architects, engineers and land surveyors of records who have submitted current SOQ's and performance data, and whose names appear on the qualified consultant list created for the project, that proposals are being requested. This can be accomplished by sending them a letter, a copy of the newspaper advertisement, or through email. The department/division will then provide the RFP documents upon request. An electronic copy shall be sent to the Purchasing Division for placement on the website.
- d. Information given to any consultant must be available to all. Discussion with consultants about the project prior to proposal deadline should take place in an open "pre-proposal" meeting. If a decision to have a meeting is made after the RFP is issued, notice of the meeting should be provided to all consultants with RFP documents. The meeting should be scheduled with sufficient time before proposals are due to allow all interested consultants to formulate questions or comments to be presented at the meeting.

- Pre-Proposal Conference Remarks:
  - a. Opening
  - b. Welcome – thank you for coming – introductions – route sign-in sheet.
  - c. Restate proposal opening date and time – late proposals not accepted
  - d. Number of copies required; one clearly marked as original
  - e. Signature requirements – Affidavit, proposal page
  - f. Remind to review insurance requirements
  - g. Addendum procedure – the need to acknowledge with their proposal
  - h. Open for questions and answers – may go through solicitation page-by-page, section-by-section, or open for questions, whichever appropriate.
  
- Conclusion
  - a. Thank you for coming
  - b. Indicate whether or not an addendum will be issued
  - c. Point of contact for questions is \_\_\_\_\_ – note deadline for any additional questions is (date and time).
  - d. Restate the due date and time – no late bids will be accepted. Get proposals in well ahead of the due date and time.

#### 4. Addendums

- a. After the pre-proposal meeting, or if there were any questions prior to the pre-proposal meeting, an addendum will need to be sent out to all interested parties. An addendum must be out at least one (1) week before the proposals are due.

Example of Newspaper Ad:

RFP-X-XX (number requested from the Purchasing Manager)

The City of Cheyenne is requesting proposals for name of project (RFP) .

Proposals must be submitted in writing no later than time on date to the City of Cheyenne \_\_\_\_\_, Room \_\_\_\_\_, address, , Cheyenne, WY. Upon request, the RFP documents are available from the \_\_\_\_\_ Department by calling 307/\_\_\_\_\_, or by requesting them online at [www.cheyennecity.org](http://www.cheyennecity.org).

There will be a pre-submittal meeting on this project date of meeting at time location of pre-submittal meeting , Cheyenne, WY.

The Provisions of Wyoming Statute §15-1-113 are by reference made a part of the bidding documents.

The City of Cheyenne reserves the right to reject any and all proposals, and to waive any formality or technicality in the Proposals in the interest of the City.

Name of Contact,  
Title

Publication: Wyoming Tribune-Eagle

Dates: At least two (2) times, a week apart.

## 5. SELECTION PROCEDURES

- a. Proposals shall be received in the Purchasing Manager's office.
- b. All proposals received by the advertised deadline shall be considered.
- c. Criteria shall include: the ability of professional personnel, financial stability, past performance, willingness to meet time requirements, location, current and projected workloads. Other criteria pertinent to the project may also be included.
- d. The department/division is responsible for designating the selection committee to review proposals and for distributing the proposals to the committee participants. The City Engineer, or designee, shall be invited to participate on all selection committees. Each member of the committee should complete a weighted rating form for each respondent. Anyone on the committee who has not reviewed all proposals and completed a rating form for each proposer cannot participate in the selection.

- e. The committee will select one or more qualified firms for interviews. The number selected will be based upon the complexity of the project and the qualifications of consultants, and the interviews will include discussion of each firm's projections of project costs, qualifications, approaches to the project, ability to furnish required professional services, use of alternative methods for furnishing required professional services based on the City's description of the work. If unsatisfied with the results of the interviews, the City may select additional firms for interviews.
- f. In conducting discussions with a consultant, committee members may not discuss information derived from proposals submitted by competing consultants.

## 6. CONTRACT PROCEDURE

- a. After the selection committee has reviewed proposals and interviewed consultants in accordance with the preceding procedure, the City Engineer and department/division will negotiate a written contract with the selected firm. Estimated value, scope, complexity and professional nature of the services to be rendered will be considered when determining reasonable compensation.
- b. If the City is unable to negotiate a satisfactory contract with the selected firm at a price determined fair and reasonable, negotiations with that firm will be terminated. Negotiations will then begin with the second ranked firm. If the City fails to negotiate a satisfactory contract with the second firm, negotiations with that firm will be terminated and negotiations with the third ranked firm shall begin, and so on, until a satisfactory contract is reached. If the City fails to negotiate a satisfactory contract with any of the qualified firms submitting proposals, the possible causes should be reviewed, and negotiations resumed beginning with the highest ranked firm.
- c. Each contract for professional services shall contain a prohibition against gratuities, kickbacks and contingent fees. The architect, registered land surveyor or professional engineer shall certify under oath that he/she has not in any way been involved in any gratuities, kickbacks, or contingent fees in connection with his selection or ultimate performance of the contract.
- d. Each contract for professional services entered into by the City shall contain a prohibition against payment based upon a percentage of the construction cost.
- e. Each contract must be approved by the City Risk Specialist and by the City Attorney prior to execution. Contracts exceeding twenty-five thousand dollars (\$25,000.00) require Governing Body approval. The department shall fill out a "City Council Agenda Item Sheet" for the contract and submit it along with appropriate documentation to the Mayor's office for placement on the Council Agenda in accordance with policy.

- f. Additional services needed for a specific or ongoing project may be negotiated and added to the contract with the original consultant only by contract modification approved by the Governing Body. New proposals may be requested if the Governing Body or the City Engineer and department/division deem it to be appropriate and in the City's best interest.

*Revised March 2020*

**Procurement of Professional Services for Accounting, Financial, Legal, Planning,  
Management, Information Technology Consultants and Professionals and Experts Other  
than Architects, Engineers, and Surveyors**

Professional services addressed herein include but are not limited to services customarily rendered by attorneys, certified public accountants, financial personnel, systems development, consultants, and planning and management consultants.

Note: Procurement of public art is addressed in a separate procedure titled Procurement Procedure for Purchase of Public Art.

Services provided by architects, engineers and land surveyors are addressed in a separate procedure titled Procurement of Professional Services of Architects, Engineers and Land Surveyors for the City of Cheyenne.

Legal and health-related services do not require RFP's.

Although Wyoming Statute §15-1-113(a) exempts contracts for professional services from the requirement to advertise for bids, it is the policy of the City to advertise and to request proposals from an adequate number of sources to permit reasonable competition consistent with the amount, nature and requirements of the procurement. Contracts for less than \$200,000.00 do not require proposals; however, the Purchasing Manager may utilize the proposal process for a contract of any amount. All Professional Services contracts in excess of \$25,000.00 shall be subject to Governing Body approval in accordance with Cheyenne City Code 2.04.160. No contract which has been awarded for less than \$25,000.00 may be modified to increase the amount to \$25,000.00 or greater without approval of the Governing Body.

All proposals received will be considered public information by the City of Cheyenne. The RFP should advise consultants that any information considered by them to be trade secrets, privileged or confidential data should not be revealed in the proposal. Contents of proposals received and completed rating sheets will be made available upon request after the selection process has been completed and the contract has been awarded. The proposal that is approved, as well as one copy of all other proposals received, and any audio recording made at the pre-proposal or other meetings during the RFP process will be maintained by the City for the minimum timeframe pursuant to the City's Records Retention Schedules.

The department/division should develop the RFP according to its needs and have the RFP reviewed by the Purchasing Manager City Attorney, and Risk Specialist. The Risk Manager shall determine the type and extent of general and professional liability insurance coverage, if any, that should be considered. The Purchasing Manager shall assign an RFP number, and if requested by the department, may assist in preparation of the RFP and a notice to be published in the local newspaper.

RFP documents should be sent to persons or firms who have indicated an interest in providing the kinds of services requested. Proposals shall be delivered to the Purchasing Manager. The

department/division is responsible for the designation of the evaluation committee to review proposals and for distribution of the proposal to the committee participants.

The committee will select one (1) or more qualified firms for interviews. The number selected shall be based upon the complexity of the project and the qualifications of consultants, and the interviews shall include a review of each firm's projections of project costs, qualifications, approaches to the project, ability to furnish required professional services, use of alternative methods for furnishing required professional services based on the City's description of the work. If unsatisfied with the results of the interviews, the City may select additional firms for interviews.

The RFP shall state all the evaluation factors that will be considered. There should be no deviation from the established criteria in evaluating proposals. All eligible respondents must receive impartial and equitable consideration. It is the objective of the City to award the contract to the respondent most likely to perform in a manner most advantageous to the City, all factors considered.

After the selection committee has reviewed proposals and interviewed consultants in accordance with the preceding procedure, the department/division will negotiate a written contract with the selected firm. Estimated value, scope, complexity and professional nature of the services to be rendered will be considered when determining reasonable compensation.

Each contract shall be approved by the City Risk Specialist and the City Attorney prior to execution. Contracts exceeding Twenty-Five Thousand Dollars (\$25,000.00) require Governing Body approval and shall be placed on the Governing Body's agenda pursuant to established procedures.

*Revised March 2020*



## **PART IV – MISCELLANEOUS PROCEDURES**

### **Disposal of Surplus Property**

In compliance with Wyoming Statute §15-1-112, any City-owned property valued at \$500 or more, except used vehicles traded in on new vehicles, shall be formally advertised calling for sealed bids or sold at public auction, unless sold to an agency of the federal government, State of Wyoming, or a political subdivision of the State of Wyoming upon fulfillment of the same conditions specified for trades involving real property.

Any department wishing to dispose of an item should submit a memorandum to the Purchasing Manager giving a complete description of the item, reason for disposal, its location, and an estimate of its value. If the estimated value is less than \$500, the Purchasing Manager may elect to get additional estimates of the value.

If the value is reasonably determined to be less than \$500, the department/division will then, by memo, email, or other means, notify other City departments of the availability of the item. If no other City department needs the item, it may be sold to the person submitting the highest offer within a specified time or stored for later disposal at public auction.

If the item is estimated to be worth \$500 or more, the Purchasing Manager will notify other departments of the availability of the item. If not needed by the City, the item may be held and sold at the City's next scheduled public auction or may be advertised for sale by sealed bids. The Purchasing Manager will handle all aspects of the bidding process, including placing the "consideration of bids" on the agenda with recommendation for disposal of the item. At its discretion, the Governing Body may award the bid to the highest responsible bidder or may reject all bids.

Items determined to have no value should be recycled if possible or may be discarded if not recyclable.

Real property shall be declared surplus by the Governing Body and disposed of by soliciting bids; or it may be traded for other real property or sold or traded to the State of Wyoming, an agency or instrumentality of the state authorized to hold property in its name, or any political subdivision of the state, after a public hearing, notice of which includes the appraised value of the property and which is published at least once each week for three (3) consecutive weeks in a newspaper of general circulation in Laramie County.

When City departments/divisions need to dispose of computers, the computer first must be delivered to Information Technology (Room 110). I.T. will remove any software licensed to the City prior to final disposition of the computer. I.T. will ensure that only the appropriate software is transferred with the computer.

Ref: Wyo. Statute §15-1-112

## **Special Provisions Relating to the Sale, Lease or Other Disposal of Real Property” (Land and/or Buildings)**

Prior to the sale, lease or other disposal of real property, the following tasks must be performed:

A land description for the land to be sold, leased or disposed of must be prepared by the City Surveyor, City Engineer, or by an independent engineer, surveyor, or other non-City personnel. If prepared by an independent engineer, surveyor, or other non-City personnel the land description must be reviewed and approved by the City Surveyor or City Engineer.

An ownership and encumbrance report (O & E Report) must be obtained from a title insurance company doing business in Cheyenne. The price for an O & E Report is typically \$100.00. The purpose of the O & E report is to confirm that the City holds title to the land to be sold, leased or otherwise disposed of, whether the land is subject to reservations, easements, covenants, or other land use restrictions that should be considered by the City prior to the sale, lease or other disposition.

A Geographical Information System (GIS) report for the land to be sold, leased or otherwise disposed of should be prepared for the purpose of identifying sewer mains, water mains, storm sewer mains, storm water detention facilities, drainage easements, utility easements, and other matters which should be considered by the City prior to the sale, lease or other disposition.

A report for the land to be sold, leased or otherwise disposed of should be prepared by the City Clerk and the City Treasurer for the purpose of identifying whether the land is subject to restrictions imposed by prior deeds or other instruments of conveyance, by ordinances or resolutions, or by contractual relationships which may restrict the ability of the City to sell, lease, or dispose of the land. In particular, the report prepared by the City Treasurer should discuss whether the requirements of prior grant agreements restrict the City's ability to sell, lease or dispose of the land.

A report for the land to be sold, leased or otherwise disposed of should be prepared by the Planning Services Department describing all land use restrictions which are applicable to the property under the UDC and other provisions of the Cheyenne City Code.

A checklist shall be prepared demonstrating that each Department of City Government, specifically including the Board of Public Utilities, has considered the proposed sale, lease or other disposition of the land. Each Department must either approve the proposed sale, lease, or other disposition of land, state that the Department needs the land for any particular use, or state whether the Department objects to the proposed sale, lease or other disposition for any reason.

Following approval of the Mayor, and the Governing Body when required, and prior to the delivery of any deed, lease or other instrument conveying land, or any interest in land, to a buyer, lessee, or other grantee, the City must make a final determination whether it should reserve easements for rights-of-way, streets, alleys, water mains, sewer mains, storm water utilities, or other like or similar public infrastructure. This determination would typically be made by the City Engineer following a final consultation with the Board of Public Utilities.

## **Reimbursement to Employees for Purchase of Goods and Services**

Employees infrequently purchase items for City use with their own funds and apply to the City for reimbursement.

The City of Cheyenne maintains in-house charge accounts with most businesses and stores within Cheyenne, making it unnecessary to pay cash for these types of purchases. City employees paying with their own funds at stores where the City maintains in-house charge accounts, shall **NOT** be reimbursed for any tax incurred on the transaction. They shall be reimbursed for the cost of the goods or services only. These types of purchases should be processed on existing in-house charge accounts, so that they may be identified as tax exempt.

Employees should always show their City Identification cards when making purchases for the City whether they are paying cash or charging the expenditure to the City. Employees may charge items on behalf of the City only with authorization of the department/division director in accordance with departmentally established procedures. When charging to the City, always provide a name, and/or department/division. Also, sign and print your name legibly to ensure the invoice can easily be assigned to the correct department/division.

It is understood that an employee may be making an expenditure for a very small purchase from a store where the City rarely does business, or from a store that will not sell on a charge basis for very small amounts. In these situations, employees are not required to use their own funds to make a purchase for the City, but the employee may elect to do so. Expenditures made by an employee on behalf of the City are not exempt from sales taxes. Only expenditures charged to and paid directly by the City are tax exempt. When the transaction occurs at a business where the City does not have an established line of credit or where the business will not sell on a charge basis, the employee may be reimbursed for the cost of the goods or services and for any tax paid on the transaction. Attempts should be made to minimize the frequency of these types of purchases and utilize existing in-house charge accounts whenever possible or feasible.

### **Reimbursement Procedure:**

If an employee finds it necessary to pay cash, the expenditure must be approved by the department director or division administrator and be conducted in accordance with the above guidance.

If the expenditure is under \$25.00, the employee should then attach the itemized receipt from the cash transaction to a petty cash slip (available from the Budget and Finance Division). The petty cash slip must be signed by the department director or division administrator and then be presented to the Budget and Finance Division for reimbursement. If the expenditure exceeds \$25.00, the department/division must enter a requisition to reimburse the employee. The reimbursement will be processed through the normal purchase order/voucher “payable” process which is presented to the Governing Body twice monthly.

This procedure does not apply to travel reimbursement. See the City of Cheyenne Travel Policy for additional information.

*Revised March 2020*

## **Exemption from Taxes**

Direct purchases made by the City of Cheyenne shall not include State or Federal Taxes. The City of Cheyenne is tax exempt.

If a vendor requests a copy of the of the City's Tax Exemption Certificate, a Streamlined Sales & Use Tax Agreement –Certificate of Exemption may be found on the S: Drive, **S:\Purchasing\Tax Exempt**

Any departments that need additional assistance with notifying vendors of the City of Cheyenne's Tax Exempt status are encouraged to request assistance from the Purchasing Manager.

*Revised March 2020*

## Requisitions, Purchase Orders, and Invoicing

A requisition is a request to generate a purchase order. Requisitions are initiated by the requesting department/division. Requisitions are normally computer-generated utilizing Innoprise, the City's accounting software. All requisitions must be in accordance with the appropriate provision of this Purchasing Policy.

### Review of Invoice

Prior to entering a requisition, departments are instructed to carefully review their bills and documents before they are entered in Innoprise.

Things to check before a document is entered:

1. Carefully examine the document before you enter.
  - a. Itemized invoice vs. Statement (The City does not pay off statements)
  - b. Don't pay off shipping bills, pick tickets, or order summaries. Look for the word **"invoice"**
    - i. Potential for duplicate payments, and statements aren't itemized.
2. Is it for your department / division?
3. Have the services been received / equipment delivered?
  - a. Invoices **cannot** and **should not be paid**, prior to the work being completed / equipment being delivered / etc.
  - b. The City of Cheyenne **cannot** pay off a quote or estimate.
4. Is there tax on the invoice? (The City is tax exempt)
5. Is it for an order that already has an existing purchase order? (Duplicate Entry)

If the document you are preparing to process for payment via a requisition meets the above criteria, move to the procedures listed in the next section, Requisition Entry.

### Requisition Entry

Each department/division has designated employees who enter requisitions. The requisition enterer inputs the requisition including vendor, description, amount, and budget code. The requisition enterer is also responsible for attaching the invoice or backup documentation. Additional information may be included or attached to the requisition to justify the expenditure. Descriptions must be short, concise and understandable by approvers at all levels.

*Example of a **poor** description:*

Mop, Broom, Bucket, Rags, Pine-Sol,  
Windex, 409 Spray

*Example of a **good** description:*

Cleaning supplies for Botanic Gardens  
meeting room

Descriptions should also contain the **time period** for the service if applicable:

Copier Lease Payment for 11/15/19 Thru  
12/15/19

Cleaning Services for Botanic Gardens for  
November 2019

The requisition enterer also ensures there is adequate budget available for the transaction. If not, the enterer will also initiate a budget transfer and include a note to that effect in the “User Comments” section. Finally, the enterer is responsible to ensure the vendor address is correct.

### **Requisition Approval**

Each department/division also has designated employees who provide approval of requisitions. This requisition approver is responsible to ensure the purchase is appropriate and the account used is accurate. They also provide an additional check for adequate available funds. Approvers are legally responsible for all requisitions they approve. They should be verifying the vendor, transaction, line items, and invoice totals for accuracy.

Note: If the cost of purchasing goods or services is split between two (2) or more departments, one (1) of those departments must prepare a paper “manual” or “hand” requisition for approval by all departments involved. The requisitions approver will need to sign off on the paper requisition to give the Treasurer’s Department authorization to process this request. The requisition will not be processed without the proper signatures of each department. Upon receipt of the completed and approved requisition, the Treasurer’s Department will prepare a requisition, generate a purchase order and notify all departments involved of the purchase order number. Departments should report any errors on the purchase order to the Purchasing Division immediately. Blank paper requisitions are available on the S: Drive: Purchasing, Purchasing Policy Forms.

If a budget transfer is required, the Budget and Finance Division must approve the requisition before a purchase order is generated.

### **Purchasing Approval**

The Purchasing Manager provides final approval and review of all requisitions. The Purchasing Manager reviews the requisition for compliance with the City’s Purchasing Policy, and if necessary, will contact the requisition enterer and requisition approver to discuss any problems (tax on invoices, incorrect dollar amounts, etc). When all requirements of this manual have been met the Purchasing Manager will generate a purchase order from the correct and approved requisition.

### **Purchase Order Issuance**

Upon issuance of the Purchase Order, invoices shall be turned in for processing and payment. Departments shall write the Purchase Order number on the invoice in the perjury stamp box and bring the invoice to the ‘Invoice’ basket in the Budget and Finance Division, located at 2101 O’Neil Ave, Room 309. Departments may also submit invoices via interoffice mail.

Purchase Orders that are issued based from a quote or estimate are held open, until the goods or services have been rendered. Departments shall wait until a final invoice is sent by the vendor after the goods or services have been rendered. Once a final invoice is available, the department may turn the invoice in for payment. Departments shall not turn in quotes or estimates to pay from.

*Revised March 2020*

## Change Orders

Change Orders are required if the purchase order has already been generated. The Purchasing Manager can complete a change order on any purchase order that has not been fully invoiced. If the purchase order has been fully invoiced, and it is realized the account number is incorrect, the Budget and Finance Division will need to be contacted to do an adjusting journal entry.

When a change order is needed, an email shall be sent to the Purchasing Manager describing the change and the new dollar amount, and the Purchasing Manager will process the change order if the change is within the scope of the Purchasing Policy.

### **Example of a change order:**

Ordering a bulk amount of a commodity, the amount may slightly vary. For example, you request a purchase order for 40,000 lbs. of fertilizer, and they provide you 40,100 lbs. Due to delivery and loading methods, changes like this are acceptable.

**Any variance to the scope of the project should be discussed with purchasing prior to authorizing a vendor to proceed with a change.** A change in scope may result in significant impacts to the overall procurement.

*Revised March 2020*

## **PART V – MISCELLANEOUS POLICIES**

### **Computer Equipment/Software**

#### **PURPOSE AND SCOPE**

These guidelines establish internal administrative policy for the acquisition of computer equipment and ensure software/system compatibility and related security measures. These guidelines apply to equipment intended for individual use by City personnel.

#### **COMPUTER EQUIPMENT-DEFINED**

Computer equipment, as defined in these guidelines, means desktop computer operating systems (CPU, keyboard, speakers, and mouse, anything that ties into the system); equipment intended for operation by individual end users. It does not include laptops, monitors or software purchases, although the Information Technology (I.T.) Division staff must be consulted prior to purchase to review for compatibility with I.T. systems and acquire price quotes.

#### **SOFTWARE**

Software includes, but is not limited to, such packages as Microsoft Office, (Word, Excel, PowerPoint) Corel Suite, (WordPerfect, Quattro Pro, Presentations) and Lotus Notes. I.T. Division staff will not install software on computer equipment without proof of license agreements.

#### **FUNDING**

Departments/Divisions will fund equipment acquisitions. I.T. Division staff must provide assistance with price quotes and will provide price quotes to the Purchasing Manager.

An annual allotment of Optional 1% Sales Tax Capital Equipment funds, as determined by the Mayor, may be used to purchase desktop computers. This funding is intended to provide a consistent computer equipment replacement program.

#### **PROCEDURES**

All departments/divisions will send requests for computer equipment to the I.T. Division. I.T. Division staff must obtain applicable price quotes. Original quotes will be sent to the Purchasing Manager with a copy to the requestor.

If the equipment is to be connected to or communicate with the City's computer systems, the Director or Assistant Director of I.T. must provide written approval on recommended price quote to ensure compatibility and address system administration and security concerns.

Computer replacement program will be based on the following:

An annual inventory of personal computer equipment by I.T staff to determine need.



Prioritize replacement computers based on age, operating system, software requirements, compatibility and speed of current equipment.

Additional computer equipment (not replacements) may be acquired based upon emergency, unusual situations or extenuating circumstances as approved by the Director of I.T. and the Director of Public Works.

Monitors and software purchased in conjunction with computer equipment will be paid for by the requesting department/division.

Hardware replacement such as printers/plotters, etc., will be purchased by the department/division.

## **City of Cheyenne Purchasing Card Policy**

### **1. PURPOSE**

This Purchasing Card Policy sets forth and explains the City of Cheyenne's Purchasing Card Program. The purpose of the Program is to:

- A. Ensure that procurement with City purchasing cards is accomplished in accordance with the policies, procedures, rules and restrictions established by the City and set forth in this Policy and the City's current purchasing policies.
- B. Enhance the productivity, significantly reduce paperwork, improve controls, and reduce the overall costs associated with small purchases.
- C. Ensure appropriate internal controls are established within each department utilizing purchasing cards so that such cards are only used for authorized purposes.
- D. Ensure that the City of Cheyenne bears no legal liability from inappropriate or unlawful use of purchasing cards.

### **2. CARDHOLDER AGREEMENT WITH PROGRAM POLICIES**

The Purchasing Card Program utilizes two types of purchasing cards: individually issued purchasing cards and Division cards which may be issued for single purchases, acquisitions, or travel expenses.

All Cardholders, of either type of card issued, are obligated to adhere to the terms of this Policy and the City's current purchasing policies, which should be read carefully. Cardholders will only be issued purchasing cards after receipt of a signed Purchasing Card Agreement by the City Treasurer's Office. A Cardholder's signature on the Agreement indicates that he or she understands the intent of the Purchasing Card Program and agrees to adhere to the established guidelines and policies.

### **3. PROGRAM ADMINISTRATION.**

The Purchasing Card Program is administrated by the City Treasurer. The City Treasurer, along with his or her designees, is responsible for ensuring that all policies and procedures are followed.

### **4. AUTHORIZATION FOR ISSUANCE OF PURCHASING CARDS.**

Purchasing cards will be issued only to authorized City employees and elected officials. In general, the charge limit for purchasing cards is \$2,500.00. This limit may be modified by written request of the Mayor or the Department Directors.

The Mayor is responsible for authorizing the issuance of purchasing cards to elected officials and for setting the charge limits on such cards if those limits differ from the general limit.

Department Directors are responsible for authorizing the issuance of purchasing cards to eligible employees and for setting the charge limits on such cards if those limits differ from the general limit.

**5. PROCEDURES FOR ISSUANCE OF PURCHASING CARDS.**

- A. Purchasing card requests must be made by submitting a fully executed Purchasing Card Agreement to the City Treasurer's Office.
- B. The City Treasurer's Office will arrange for Cardholder training, will acquire the card, and will notify the Cardholder when it is available to be picked up.
- C. Elected officials and employees checking out Division purchasing cards for one-time usage will also be required to obtain a fully executed Authorization to Use Corporate Card, which sets specific time periods for use of the cards.

**6. PURCHASING CARD USE POLICY.**

- A. When a Cardholder receives his or her card, it must be signed immediately and kept in a secure place. Although some cards are issued in a Cardholder's name, all cards are the property of the City of Cheyenne and may only be used for City purchases.
- B. Purchasing cards may be used to purchase goods (in-store purchases as well as mail, phone, or internet) and services as well as for travel related expenses. Purchasing cards may not be used to avoid or bypass appropriate purchasing policies and procedures.
- C. All acquisitions must be approved by a Department Director or approved designee.
- D. Splitting of charges to avoid applicable purchasing policies and procedures, or to avoid the transaction limit set for a purchasing card, is strictly prohibited.
- E. The use of a City purchasing card is for City purchases only. No personal charges may be made on the cards, even if the intent is to reimburse the City for the charges. The only exception to this is insignificant travel expenses where separation of personal charges would not be reasonable. These amounts shall be reimbursed upon return and the repayment receipt forwarded with other receipts to the City Treasurer for processing.
- F. Use of purchasing cards for meals is limited to travel outside of the City or when the meal is for business purposes at the convenience of the City. Meals to promote goodwill or to boost morale are not considered at the convenience of the City. There will be no charges allowed for alcohol or entertainment.
- G. No cash advances (ATM, prepaid debit cards, gift cards, money orders, etc.) are allowed using a purchasing card.
- H. Any incentive program benefits derived by the use of City purchasing cards shall be the property of the City. The Mayor and the City Treasurer will determine the use of such incentive program benefits.
- I. If the name of a Cardholder appears on a card, only that specific individual may use the card, and such use must be in accordance with the policies and procedures set forth herein and in the City's Purchasing Policy and Procedures Manual.
- J. Cardholders should take measures to ensure the security of purchasing cards and purchasing card numbers. Cardholders should not give their card or their card number to others to use on their behalf. If a purchasing card is lost or stolen, a Cardholder must immediately notify the

City Treasurer's Office.

- K. Misuse of a City purchasing card by an authorized Cardholder may result in loss of the card and/or disciplinary action against the Cardholder, up to and including termination of employment.

**7. VENDORS, GOODS, AND MATERIALS.**

- A. Vendors. A purchasing card may be used with any vendor selling goods, materials, and services to the City. If a vendor will not accept a City purchasing card, please contact the City Treasurer's Office. Some vendor types have been blocked from usage. For questions about blocked vendors, please contact the City Treasurer's Office.

Merchants are paid by the City's bank within three business days of a transaction. Merchants **MUST NOT** invoice the City, which could result in duplicate payments. Additionally, the City of Cheyenne maintains multiple in-store credit accounts with local vendors. When shopping locally, please be aware that those vendors may also attempt to invoice the City, which could result in duplicate payments.

For tax and accounting purposes, Cardholders must request that merchants give detailed descriptions of goods purchased (not use terms such as "misc"). Cardholders should also **REMINDE VENDORS OF THE CITY'S TAX-EXEMPT STATUS PRIOR TO MAKING A PURCHASE**. If a vendor requires a new or updated Tax-Exempt Certification, please contact the Purchasing Office.

- B. Receipt of Goods/Materials. Cardholders are responsible for ensuring receipt of goods and materials ordered, and for following up with vendors to resolve delivery problems, discrepancies, and damaged goods.

For telephone or catalog orders, Cardholders must provide a complete shipping address and instructions (*e.g.*, name, department name, complete street address, room number, city, state, zip code).

If goods or materials are ordered by phone, Cardholders should request a detailed sales receipt in the package and explain that the City is a tax-exempt organization.

- C. Correcting Erroneous Charges. Cardholders are responsible for contacting and following up with vendors on any erroneous charges or disputed items as soon as possible. (Most issues can be resolved this way.)

If the Cardholder is unable to reach agreement with the vendor, Cardholders should then contact the City Treasurer's Office. The City Treasurer's Office may request a Cardholder to complete a Vendor Dispute form. The dispute form will be forwarded to the City's bank for resolution with the vendor. The bank must be notified of any disputed items within 60 days of the last cycle in which the item was purchased.

If credit is issued for a disputed charge, documentation should be kept explaining each credit received.

## **8. DOCUMENTATION, RECONCILIATION, AND PAYMENT PROCEDURES.**

Cardholders must adhere to the following record management procedures. Failure to keep receipts or frequent abuse of these provisions will result in cancellation of a Cardholder's purchasing card.

- A. Documentation. Any time a purchase is made using a purchasing card, a Cardholder must obtain a customer copy of the itemized charge slip, sales slip, cash register receipt, invoice, order form or receiving document, which will become the accounting record.
- B. Missing Documentation. If a receipt is missing, the vendor should be contacted and asked to provide a detailed receipt, credit memo, or an adequate substitute. If a Cardholder does not have an itemized receipt or other itemized purchasing record, a statement that includes a description of the item, date of purchase, merchant's name, and an explanation for the missing support documents must be submitted. The statement must be signed and dated by both the Cardholder and the appropriate Department Director. Frequent instances of missing documentation will cause a Cardholder's purchasing card use privilege to be revoked.
- C. Payment Procedures. It is a Cardholder's responsibility to submit receipts to their Department in a timely manner. Purchases made by Cardholders and listed on the purchasing card statement must be authorized by Department Directors or their designees, account numbers assigned for each transaction, and submitted to the City Treasurer for payment.

## **9. BILLING PAYMENT AND ACCOUNT DISTRIBUTION PROCESS.**

At the close of every billing cycle, each Division will download the billing statement from the purchasing card's website. This statement will be used to reconcile receipts to transactions. Each Department is responsible for entering the requisition for payment of their respective statements. The requisition shall be entered with one (1) line item, per transaction, with a detailed description of each transaction. It may be necessary to enter one (1) requisition, per Division card, dependent on the number of transactions. This is necessary due to Innoprise processing slowly if the requisition has too many line items (20-25 separate line items is the maximum amount that should be entered for one (1) requisition).

## **10. AUDITS.**

Card usage will be monitored, and random audits will be conducted, on both purchasing card activity and the Cardholder's acquisition of purchasing receipts.

## **11. MISUSE OF PURCHASING CARDS.**

Misuse of a purchasing card may result in disciplinary action, including:

- Permanent revocation of purchasing card privileges;
- Assignment of wages for repayment of discrepancies; or
- Notification of the City Treasurer to investigate the matter further.

If, for any reason, disallowed charges are not repaid by the Cardholder before the statement due date, the City shall retain the right to withhold any and all funds payable to the Cardholder up to an amount of the disallowed charges and interest at the same rate as charged by the purchasing card vendor.

## **12. PURCHASING CARD CANCELLATION.**

A Cardholder may cancel a purchasing card at any time. To do so, the Cardholder should cut the card in half and forward it to the City Treasurer's Office, along with a written cancellation request from the appropriate Department Director.

A purchasing card may be cancelled by the City Treasurer or a Department Director for any reason, including:

- The card is lost or stolen;
- If the card is used in a manner which is inconsistent with City purchasing policies; or
- The Cardholder retires, resigns or is otherwise terminated from city employment.

*Revised March 2020*

**City of Cheyenne  
Purchasing Card Agreement**

---

Name of Cardholder:  
Department Name & Number:  
Supervisor's Name & Title:

---

Cardholder agrees to accept responsibility for the protection and proper use of the Purchasing Card in accordance with the terms and conditions below:

1. Cardholder agrees to provide the supporting receipts from vendors for each transaction, as designated by City policies and procedures. Failure to report or document any purchase may be deemed an improper use of a card.
2. If a card is lost or stolen, Cardholder must notify the City Treasurer's Office immediately.
3. Cardholder's department shall be responsible for all charges, including fees and interest, incurred from the proper use of a card.
4. **CARDHOLDERS MAY NOT MAKE PERSONAL PURCHASES ON A CARD.** Cardholder understands that he/she shall be personally liable for any improper use of a card and agrees to pay all costs, expenses, fees, and interest associated with such use. Cardholder understands that his/her improper use of a card may be cause for disciplinary action by the City, including termination, and that improper use of a card may subject Cardholder to criminal prosecution. Cardholder understands that the City may withhold amounts attributable to improper use by Cardholder from any paycheck.
5. Cardholder understands that should his/her employment with the City terminate for any reason, the card must be returned to the City Treasurer's Office. Cardholder understands that the City may withhold his/her final paycheck until the card is returned. Cardholder also understands that the City may withdraw authorization to use the card and require the return of the card at any time, and for any reason.
6. Cardholder understands that use of a card is for official City Business only, as explained in the City's Purchasing Card Manual.
7. Cardholder acknowledges by his/her signature to this agreement, that he/she has received, read and understands the City's Purchasing Card Manual; and has read and understands this agreement.

Cardholder Signature: \_\_\_\_\_ Date: \_\_\_\_\_

---

Credit limit:     \$2,500.00    .

Supervisor Approval: \_\_\_\_\_ Date: \_\_\_\_\_

City Treasurer's Office

Approval: \_\_\_\_\_ Date: \_\_\_\_\_



CITY OF CHEYENNE  
OFFICE OF THE CITY TREASURER  
2101 O'NEIL AVE  
CHEYENNE, WY 82001

### AUTHORIZATION TO USE DIVISION CREDIT CARD

I hereby authorize the undersigned employee of the City of Cheyenne, Wyoming to use the City of Cheyenne Division Purchasing Card for purchases of goods, supplies and travel expenditures on behalf of the City of Cheyenne. The employee must provide his/her City issued identification card, when using the Corporate Credit Card, as proof of employment.

\_\_\_\_\_  
Print Employee Name

\_\_\_\_\_  
Signature of Employee

This authorization is valid for the period beginning \_\_\_\_\_ and ending \_\_\_\_\_.

If you have questions on the use of this card, please call Trish Watson at 307-637-6350.

\_\_\_\_\_  
Robin Lockman  
City Treasurer



## City of Cheyenne Travel Policy

1. A Travel Authorization Voucher (Appendix A) must be completed and sent to the City Treasurer's Office for review and approval at least ten (10) business days prior to the date of departure. A Travel Reimbursement Request Form (Appendix B) must be completed and sent to the City Treasurer's Office within five (5) business days after travel has been completed. Exceptions to both are allowed only with prior written authorization by the City Treasurer. Both the Travel Authorization Voucher and the Travel Reimbursement Request Form can be found on the City Share Drive (S:), in the Forms, Travel folder.
  - A. A Travel Authorization Voucher will need to be completed for out-of-town travel conducted in one day when there are expenses to the City. Please note that expenses for such travel will be reimbursed using current U.S. General Services Administration (GSA) per diem rate at 75% of cost. Otherwise, it is not necessary to complete a Travel Authorization Voucher for out-of-town travel that will be conducted in one day at no expense to the City.
  - B. If more than one City employee will be reimbursed for expenses, a separate Travel Authorization Voucher and Travel Reimbursement Request Form must be completed for each individual.
2. The City will pay for the following travel expenses:
  - A. Airfare. Airfare may be booked using a City purchasing card, or employee may be reimbursed for airfare expenses. An estimate of the cost for airfare must be submitted with the Travel Authorization Voucher. Employee must select the lowest economy class airfare at the time of booking. Any reimbursement shall be based on the actual costs, supported by a copy of the itemized receipt submitted with completed Travel Reimbursement Request Form.
    - (1) Airfare will only be reimbursed for City employees conducting business on behalf of the City. Airfare expenses for family, friends, or companions will not be reimbursed.
    - (2) First class bookings, "early bird" check-in's, and upgrades cannot be booked and will not be reimbursed.
    - (3) When airfare is being charged to a City purchasing card, baggage fees shall be prepaid.
    - (4) Any additional add-ons or upgrades will not be allowed (i.e. internet WI-FI or television access fees, etc.).
      1. The **ONLY** City staff that may purchase in flight WI-FI access is executive or managerial level staff such as elected officials,

department directors, or division administrators. WI-FI access may be purchased using a City purchasing card, or the employee may be reimbursed for the WI-FI access fee.

- (5) Inflight meal charges shall not be paid for using City funds. All meals are the personal responsibility of the traveler and shall be covered through the per diem reimbursement.
- B. Mileage. If a City vehicle is unavailable for travel, mileage shall be reimbursed at the current rates approved by the Wyoming Governor. The current rates can be found on the Governor's Memo on Mileage Rate of Personal Vehicles, which is available on the Wyoming State Auditor's Office (<http://sao.wyo.gov/agency-resources>). An estimate of the mileage to be traveled shall be submitted with the Travel Authorization Voucher. Mileage will only be reimbursed for travel conducted to and from the employee's work location to the establishment where City business is to be conducted. This includes any travel to and from an airport, lodging establishment, conference center, etc. Documentation of actual mileage traveled must be submitted with completed Travel Reimbursement Request Form.
- C. Fuel. When a personal vehicle is used to conduct City business, fuel can be charged to a City purchasing card or the employee may be reimbursed. Estimated fuel costs shall be submitted with the Travel Authorization Voucher. Reimbursement shall be based on the actual costs, supported by a copy of the itemized receipt submitted with the completed Travel Reimbursement Request Form.
- D. Vehicle Rentals. Vehicle rentals may be booked using a City purchasing card, or employee may be reimbursed for rental car expenses. An estimate of the cost for car rental must be submitted with the Travel Authorization Voucher. Reimbursement shall be based on the actual costs, supported by a copy of the itemized receipt submitted with completed Travel Reimbursement Request Form. When booking a vehicle rental, employee must select the lowest economy class vehicle rate (rates available in the market at the time of booking, preferably well in advance of trip to attain the lowest possible rental cost). Costs for vehicle upgrades at the time of rental will not be reimbursed. Consideration shall be given to vehicle size when more than two (2) City employees conducting business on behalf of the City will be traveling in the same rental vehicle.
- (1) Family, friends or companions are prohibited from traveling in vehicle rentals purchased by the City due to liability.
    - a. If an employee wishes for family, friends, or companions to travel in a vehicle rental, then the employee will be entirely responsible for vehicle rental expenses, will not be reimbursed for such vehicle rental expenses, and will not be covered by the Wyoming Association of Risk Management (WARM) liability policy while traveling in the vehicle rented.

- (2) When an employee rents a vehicle at their own expense to conduct City business, fuel can be charged to a City purchasing card or the employee may be reimbursed. Estimated fuel costs shall be submitted with the Travel Authorization Voucher. Reimbursement shall be based on the actual costs, supported by a copy of the itemized receipt submitted with the completed Travel Reimbursement Request Form.
- E. Public Transport, Taxi, Parking Fees, and Toll Fees. Employee shall be reimbursed for all public transport (including bus, rail, ferry boat, etc.), taxi (including Uber, Lyft, etc.), and parking fees (including airport parking) incurred while traveling on City business. An estimate of the cost for public transport, taxi, parking fees, toll fees, etc. must be submitted with the Travel Authorization Voucher. Reimbursement requests for all charges must be accompanied by an itemized receipt and submitted with the Travel Reimbursement Request Form.
- (1) Airport parking fees may be booked using a City purchasing card, or employee may be reimbursed for parking expenses. An estimate of the cost for airport parking fees must be submitted with the Travel Authorization Voucher.
    - a. When parking at an airport, employees and officials are encouraged to use the lowest priced economy lot. Reimbursement for parking at DIA shall not exceed the rate then charged at the Pikes Peak lot.
  - (2) Mileage for rental vehicles are excluded from reimbursement.
  - (3) Public transport and taxi expenses (including Uber, Lyft, etc.) will only be reimbursed for City employees conducting business on behalf of the City. Public transport and taxi expenses for family, friends, or companions will not be reimbursed.
  - (4) The use of toll roads (e.g. E470) and HOV lanes should be evaluated to determine if cost savings will occur with their use. Pre-approval to utilize them must be granted by the employee's Department Director on the Travel Authorization Voucher. If the toll authority will not invoice the City, the employee shall pay for fees with a City purchasing card (if available), or out of pocket. It is the employee's responsibility to collect itemized receipts for tolls paid in order to request reimbursement when paid for out of pocket.
  - (5) If a charge is incurred where an itemized receipt is not possible (for example, use of luggage carts at airports, etc.), a statement signed by the employee must be submitted with the Travel Reimbursement Request Form itemizing the charges.

F. Lodging. Lodging shall be reimbursed at the current U.S. General Services Administration (GSA) per diem rate for domestic travel (<https://www.gsa.gov/travel/plan-book/per-diem-rates>). Lodging may be booked using a City purchasing card, or employee can be reimbursed for lodging expenses. An estimate of the cost for lodging based on the current GSA per diem rate must be submitted with the Travel Authorization Voucher. A zero-balance itemized receipt for lodging must be submitted with completed Travel Reimbursement Request Form.

- (1) GSA lodging rates exclude taxes. Lodging establishments are permitted by law to charge taxes on lodging. It is the responsibility of the City employee to request an exemption from taxes when making the reservation and document the attempt. If the establishment will not honor the request, then the taxes must be paid. The taxes can be paid for with a City purchasing card or the employee can be reimbursed. Employee shall add the total taxes charged, per night, to the GSA lodging rate in order to calculate the total amount to be reimbursed for lodging each day of travel on the Travel Reimbursement Request Form.
- (2) Lodging expenses will only be paid for/reimbursed for City employees conducting business on behalf of the City. Lodging expenses for family, friends, or companions will not be reimbursed, including any upgrades to City purchased rooms.
- (3) If lodging must be at a specific establishment due to attendance at a conference, training, etc., and the establishment will not honor the current GSA per diem rate at the time of booking (e.g. due to seasonal rates or special events, etc.), the employee shall obtain an estimate from the lodging establishment for the rate to be charged and document the reasoning why the current GSA per diem rate cannot be honored. The estimate and supporting documentation shall be submitted with the Travel Authorization Voucher for approval prior to booking.
- (4) If traveling outside of the continental U.S., employee must attempt to book lodging at the lowest possible cost. Employee must submit an estimate for cost of lodging on the Travel Authorization Voucher. If lodging is to be paid with a City purchasing card, a zero-balance itemized receipt for lodging must be submitted with completed Travel Reimbursement Request Form. If employee is requesting reimbursement for lodging expenses, reimbursement shall be based on the actual costs, supported by a copy of the itemized receipt submitted with completed Travel Reimbursement Request Form.
  - a. Exception: If lodging must be booked at a specific establishment due to attendance at a conference, training, etc. For such circumstances, the employee shall obtain an estimate from the

lodging establishment for the rate to be charged and provide supporting documentation (e.g. conference or training agenda, etc.) with the Travel Authorization Voucher.

- (5) Charges for room service or movie rentals will not be reimbursed.
- (6) Long distance telephone calls to a City office to conduct business while traveling will be reimbursed.

G. Meals & Incidental Expenses (M&IE). Meals and incidental expenses (minor expenses associated with business travel such as tips) shall be reimbursed to the employee at the current U.S. General Services Administration (GSA) per diem rate for domestic travel (<https://www.gsa.gov/travel/plan-book/per-diem-rates>). Estimated per diem rates for meals shall be submitted on the Travel Authorization Voucher. The actual GSA M&IE rate shall be utilized when completing the Travel Reimbursement Request Form.

- (1) Meals can be purchased using a City purchasing card instead of requesting reimbursement. Pre-authorization must be provided by the Department Director on the Travel Authorization Voucher. If a city purchasing card is utilized, the total amount charged cannot exceed the GSA M&IE rate per day, per employee, and the GSA M&IE section on the Travel Reimbursement Request Form shall not be completed.
- (2) First and last day travel M&IE shall be reimbursed at seventy-five percent (75%) of the per diem rate.
- (3) Meals will only be reimbursed for City employees conducting business on behalf of the City. Meal expenses for spouses, friends, or companions will not be reimbursed.
- (4) If meals are included in a conference or training registration, or if meals are included and employee chooses to eat elsewhere, those meals will need to be deducted from the M&IE reimbursement requested.
- (5) Alcoholic beverages will not be reimbursed.
- (6) If traveling outside the continental U.S., employee shall be reimbursed for M&IE expenses at actual cost not to exceed seventy-five dollars (\$75.00), per day including tips. Tips should not exceed twenty percent (20%), unless an automatic gratuity is charged by the dining establishment. Employee shall submit an estimated cost for meal expenses with the Travel Authorization Voucher. Employee shall submit itemized receipts with completed Travel Reimbursement Request Form.

H. Conference and Training Registration Fees. Conference and training registration fees may be paid for using a City purchasing card, or employee can be reimbursed. An estimate of the cost for conference and training registration fees must be submitted with the Travel Authorization Voucher. If employee chooses to be reimbursed, reimbursement shall be based on the actual costs, supported by the itemized receipt, and a copy of the conference or training agenda submitted with completed Travel Reimbursement Request Form.

(1) Additional fees for extracurricular social events, such as golfing, sightseeing tours, concerts, etc., must be paid separately by the employee at their own expense.

I. Constructed and Interrupted Travel. Constructed travel occurs when an employee wishes to take personal leave before or after business travel dates. Interrupted travel occurs when an employee wishes to take personal leave between the beginning and ending travel dates. An example of such travel can occur when an employee wishes to stay at the location where business travel is conducted in order to sightsee, or to visit with family members who live in the area. Constructed or interrupted travel must be pre-approved by the Department Director on the Travel Authorization Voucher before the employee can make necessary arrangements for constructed or interrupted travel. Travel expenses of the employee will only be paid for or reimbursed as it pertains to the business conducted. Additional travel expenses incurred by the employee for constructed or interrupted travel will not be reimbursed.

3. City vehicles must be used for non-local travel whenever possible.

(1) If a City vehicle is not available, permission to use a personal vehicle must be obtained from the employee's Department Director or designee by completing a Personal Vehicle Use Request form and providing proof of automobile insurance coverage. This form and proof of insurance must be submitted to the City Treasurer's Department with the Travel Authorization Voucher.

a. In accordance with the Wyoming Association of Risk Management (WARM) Vehicle Use Policy, family, friends or companions are not authorized passengers for travel in a City owned vehicle and are prohibited from traveling in City vehicles, unless such persons are a City employee or other individual (e.g. Council member) conducting business on behalf of the City.

i. This section does not apply to commissioned and/or sworn employees of Police and Fire Departments.

(2) If a City vehicle is available, and an employee chooses to drive their personal vehicle for their own convenience, the City will reimburse the employee for fuel

only. The employee must provide itemized receipts for the fuel purchases, as described in section 2.C, above.

- a. In accordance with the Wyoming Association of Risk Management (WARM) Vehicle Use Policy, employees understand that they are not covered for auto liability by WARM while acting in the course of their duties when they use their own vehicle, someone within the City borrows their personal vehicle, they use a vehicle rental to conduct City business, or use their personal vehicle for personal purposes.

4. Use of City purchasing cards per Resolution 4384:

- (1) City purchasing cards shall not be used to pay expenses of spouses, friends, companions, or any other person not affiliated with or conducting business on behalf of the City.
- (2) It is prohibited to purchase alcoholic beverages with a City purchasing card.

If there are any questions regarding this travel policy, please contact the City Treasurer's Office.

*Revised March 2020*

## **PART VI – FEDERAL PROCUREMENTS**

### **Federally Required and Other Required Clauses and Language**

Any procurement that is solicited with the intent of utilizing Federal funding, shall include the applicable language, clauses, and references required by the Federal funding authority. This may also include procurements conducted with grant funding.

This section of the Purchasing Policy, specifically applies to Federal funding received from the following entities:

1. Federal Transit Authority (FTA)
2. U.S. Department of Transportation
3. Housing and Urban Development (HUD)
4. U.S. Department of Homeland Security

The above list is not all inclusive, so Departments and Divisions shall ensure they have included all required Federal clauses in their procurements and contracts, so that they are following their Federal funding authority's requirements.

The following are examples of language to be utilized in procurements funded by Federal or Grant funds. Each Federal funding authority or Grant funding authority maintains specific clauses that are to be included with each procurement. Departments shall coordinate with their specific funding authority and the Purchasing Manager to ensure the appropriate and applicable language, clauses, and references are included in the procurement documents.

#### ***Language and Clause Examples:***

##### **Davis Bacon Requirements**

Pursuant to the Federal Funding requirements the City agrees to administer and enforce the labor standard requirements of the Davis-Bacon Act, as amended at 40 U.S.C. 276a-276a-5, and the Contract Work Hours and Safety Act at 40 U.S.C. 327-333. This applies to Subrecipient (City) employees, contractors, and subcontractors. The Contractor shall inform himself and his subcontractors of these requirements and comply with the applicable provisions and procedures. All contracts between the Contractor and subcontractors shall include language to ensure compliance with the provisions of the Act(s).

The Contractor shall submit weekly a copy of all "certified payrolls" to the City's Representative. The payrolls submitted shall set out accurately and completely all of the information required to be maintained under Se. 5.5(a)(3)(i) of Regulations, 29 CFR Part 5. The prime Contractor is responsible for the submission of payrolls by all subcontractors.

The Contractor or subcontractor shall make the payroll records available for inspection to the City and its Consultant and shall permit such representatives to interview employees during working hours on the job.



### **System for Award Management (SAM)**

The System for Award Management (SAM) is an official website of the U.S. government. There is no cost to use SAM. The awarded Contractor must be actively registered with <https://beta.sam.gov/> or <https://www.sam.gov/SAM/> **prior** to issuance of a Notice to Proceed. Sub-contractors are not required to be registered; however, it is strongly suggested that they register.

### **Suspension and Debarment, Voluntary Exclusion**

By signing the bidding documents, and contract, the Bidder certifies that they are not suspended, debarred, or voluntarily excluded from Federal financial or non-financial assistance, nor are any of the sub-contractors or material suppliers. The contractor will notify the City of Cheyenne by certified mail should the contractor or any of its subs become debarred, suspended, or voluntarily excluded during the term of the Contract.

### **Buy America Provisions:**

Buy America requires the use of American steel and iron products, when specified.

### **Disadvantage Business Enterprises (DBE)**

Contractors shall record documented bid solicitation efforts on form E-91-LPA.

### **Section 3 Business Certification**

Contractors shall read the Section 3 Clause information and submit the Business Certification form with their bid submission.

“To the extent applicable, the Procurement Standards set forth in 2 CFR Sections 200.317 through 200.326 are incorporated herein.”

*Revised March 2020*

## **Federal Vendor Protest Procedures**

(This is for procurements or contracts funded with Federal funds, only)

Protests regarding pre-bid (before bids or proposals are due) or pre-award (after bids or proposals are opened but before governing body approval) phases of the procurement process must be filed in writing with the City Purchasing Manager. Pre-bid protests must be filed at least five (5) working days prior to the date and time specified for receipt of bids or proposals. Pre-award protests must be filed no later than forty-eight (48) hours, excluding Saturdays, Sunday and legal holidays, after the date and time of the bid or proposal opening.

The protest must include the name and address of the protestor and must be signed and dated. It must identify the bid or project and contain an explicit statement of all grounds claimed for the protest along with any supporting documentation. The City Purchasing Manager, the City Attorney, and any affected City Department Directors, or their designees, will conduct an informal hearing with the protestor within five (5) working days after receipt of the written protest. The purpose of the hearing will be to review the basis of the protest, evaluate the facts and merits of the protest, and make a preliminary determination in the matter. If the protest is found to have merit, the City will take immediate steps to remedy the situation. If the protest is found to lack merit, the protestor will be informed in writing within ten (10) business days. A recommendation for award will be made to the Governing Body by City staff. The protestor will be advised of the dates and times the bid or proposal will appear on the agenda of the Finance Committee and City Council, and that it may bring its protest to the Governing Body with award of the item being considered. Except as otherwise provided by law, the decision of the Governing Body is final.

### **Federal Transit Administration (FTA)**

When Federal Transit Administration (FTA) funds are involved in the procurement, the FTA will be notified of the protest pursuant to FTA Circular C 4220.1D. The protestor may file a protest with the FTA after all administrative remedies with the grantee have been exhausted. Reviews of protests by FTA will be limited to a grantee's failure to have or follow its protest procedures, or its failure to review a complaint of protest. An appeal to FTA must be received by the cognizant FTA regional or Headquarters Office within five (5) working days of the date the protestor knew or should have known of the violation.