

**SALT LAKE COUNTY  
COUNTYWIDE POLICY ON  
PROCUREMENT**

**Purpose**

This policy is to establish standards and guidelines for the procurement of goods and services within the county.

**Reference**

Salt Lake County Ordinance Chapters 3.15, 3.16, 3.20 and 3.24.

**1.0 Policy**

- 1.1 Specification - The purpose of written specifications is to describe a procurement item. Specifications should invite maximum reasonable competition. Specifications should not be too restrictive but should reflect a procurement item's intended use, functional capabilities, and desired levels of performance. County agencies should send specifications for procurement items to Contracts and Procurement.
  - 1.1.1 Brand Name or Equal Specifications include brand name, model number, or other designations that identify the specific products of a particular manufacturer as the characteristics of the item desired. Other brands or models substantially equivalent to those named, and determined to be equivalent by the procurement official, are considered for the award. This type of specification can be identified by the phrase "as equal," or "approved equal," or "similar in design, construction, and performance." Such references are not intended to be restrictive, and bids are invited on these and comparable brands or products of any manufacturer.
    - 1.1.1.1 Brand names used in specifications are intended to indicate the desired capability or performance required by the requesting agency. Bids with minor variations from these specifications, which meet the intended use of the item, may be bid. Bidders should note any exceptions to the specifications and indicate why their products meet or exceed the requested specifications.
    - 1.1.1.2 The division of contracts and procurement may ask the agency to identify those manufacturers or dealers that would be able to supply the product or service as specified.

- 1.1.2 Performance Specifications identify how a product is expected to perform. Tests or criteria may be developed to evaluate a product's ability to perform and to endure as required.
- 1.1.3 The procurement official will review and make recommendations on each specification received.
- 1.1.4 Appropriate contractual terms and conditions shall be included with specifications to protect the county's interests. Such terms include delivery requirements, freight, installation, warranties, etc. Procurement officials shall request advice from the attorney before making any changes to the county's standard terms and conditions.

## **2.0 Bidding**

- 2.1 The request for bids (RFB) is used to solicit competitive bids and should include the following:
  - 2.1.1 Instructions for bid submission requirements, and when, where, and how bids are to be submitted.
  - 2.1.2 The specifications, evaluation factors, delivery or performance expectations, and inspection and acceptance requirements.
  - 2.1.3 The contract terms and conditions, including warranties and bonding or other security requirements, as applicable.
- 2.2 Incorporation By Reference - The request for bids may incorporate documents by reference provided that the request for bids specifies where such documents can be obtained.

## **3.0 Bidding Time**

Bidding time is the period between the release date of the request for bids and the deadline for bid submission. Bidding time will be set to allow bidders a reasonable amount of time to prepare their bids. A minimum of ten (10)-calendar days shall be provided unless the purchasing agent or designee determines that a shorter period is necessary. The purchasing agent or designee shall document the justification for a shorter bidding time.

## **4.0 Bidder Submissions**

- 4.1 Bid Submission – Bids may be submitted through the county's designated system and include an electronic signature. Only bids submitted in accordance with the procurement official's instructions will be considered. The purchasing

agent or designee may deem a bid non-responsive if it does not contain all bid documents or fails to accept all the county's terms and conditions.

- 4.2 An unsigned bid may be accepted if the unsigned bid is accompanied by other material, which indicates the bidder's intent to be bound by the terms and conditions of the bid. The county will have no obligation to pay any expense associated with the preparation or submission of a bid.
- 4.3 Bid Samples and Descriptive Literature.
  - 4.3.1 Bid samples or descriptive literature may be required when it is necessary to evaluate the required characteristics of the items bid.
  - 4.3.2 A bid sample is a sample provided by a bidder to demonstrate the characteristics of the item being offered in the bid.
  - 4.3.3 Descriptive literature is information that details the characteristics, construction, or operation of an item. It helps the procurement official assess whether the item meets the requirements or specifications set forth in the request for bids.
  - 4.3.4 When called for in the request for bids, samples of items must be provided free of charge. If not destroyed during testing, the samples will be returned at the bidder's expense upon request. Samples submitted by the successful bidder may be held for comparison with the delivered merchandise and might not be returned. Samples must be clearly labeled or identified as instructed by the procurement official. Samples shall be kept until the deadline for filing a protest has passed.
- 4.4 Bid Security - Bid and performance bonds, or other security, may be required for supply or service contracts as determined by the procurement official to protect the interests of the county. Any such requirements must be set forth in the solicitation.
- 4.5 Bid Opening - Bids will be opened at the deadline date and time designated in the solicitation.

## 5.0 Public Notice

Requests for bids or notices of bid availability will be posted on the county's designated electronic system to ensure reasonable competition. The requirements for solicitation advertising are outlined in ordinance 3.20.050. The County may require deposits for documents whose public disclosure would present a security risk for the County.

**6.0 Bidders List**

Qualification Lists - Solicitations will not be restricted to pre-qualified vendors, unless permitted by County Ordinance 3.22.090.

**7.0 Pre- Bid Conferences**

Pre-Bid conferences may be conducted to explain the procurement requirements and to answer prospective bidders' questions. Pre-bid conferences will be announced in the request for bids. The conference should be held after the request for bids is released, giving bidders enough time to review before the bid deadline, allowing bidders to incorporate the conference information into their bids. Verbal statements or information given at a pre-bid conference are not binding unless released in an addendum to the request for bids.

**8.0 Addenda to Request for Bids**

8.1 Application - Addenda should be used to:

8.1.1 Make changes to the request for bids such as changes in quantity, specifications, purchase descriptions, delivery schedules, and opening dates;

8.1.2 Correct defects or ambiguities; or

8.1.3 Provide information given to one bidder to all other bidders, if such information would help other bidders in preparing their bids or if withholding the information would give certain bidders an unfair advantage.

8.2 Form - Addenda to a request for bids will be clearly identified. Bidders must acknowledge receipt of all addenda issued. Submitting the latest addendum serves as acknowledgement of all addenda issued. Failure to provide this acknowledgment may result in the bid being invalidated, as determined by the county's evaluation of the bidder's responsiveness.

8.3 Distribution - Addenda will be posted on the county's designated electronic system.

8.4 Timeliness - Addenda will be distributed with sufficient time to allow prospective bidders to incorporate them in preparing their bids. If the bid deadline will not permit such preparations, the bid deadline will be extended in the addendum.

**9.0 Pre-Opening Modification or Withdrawal of Bids**

9.1 Definition - Bids may be modified or withdrawn when a written notice is received by the county prior to bid opening.

- 9.2 Disposition of Bid Security - Bid security, if any, will be returned to the bidder when withdrawal of the bid is permitted.
- 9.3 Records - All documents relating to the modification or withdrawal of bids will be kept in the appropriate procurement file.

## **10.0 Late Bids, Late Withdrawals, and Late Modifications**

- 10.1 Definition - Any bid, withdrawal, or modification, is considered late if it is received after the bid deadline.
- 10.2 Treatment - Bids, modifications, or corrections received after the deadline specified will not be considered. This applies regardless of the circumstances surrounding the lateness of the receipt of bid. Exceptions to this policy include, but are not limited to, action or inaction of procurement personnel, filing errors, etc., provided that any misplaced bid responses were received prior to the deadline and were properly documented.
- 10.3 Records - Records will be made and kept for each late bid, late modification, or late withdrawal as a part of the procurement file.

## **11.0 Receipt, Opening, and Recording of Bids**

- 11.1 Receipt - All bids and modifications will be stored unopened upon receipt until after the bid deadline.
- 11.2 Opening and Recording- Bids and modifications will be opened after the bid due date.
- 11.3 Confidential Data - The purchasing agent or designee will examine the bids to determine the validity of any requests for non-disclosure of trade secrets and other proprietary data identified in writing. If the parties do not agree as to the disclosure of data, the procurement officer will inform the bidder in writing what portions of the bids will be disclosed. Blanket claims that the entire bid is confidential will be denied.

## **12.0 Mistakes in Bids**

- 12.1 Bid corrections or withdrawals due to a mistake are allowed at the discretion of the purchasing agent, provided they do not conflict with the county's interests or fair treatment of other bidders.
- 12.2 Mistakes Discovered Before Opening - A bidder may correct mistakes discovered before bid opening by withdrawing or correcting the bid as provided in Section 9.0 (Pre-Opening Modification or Withdrawal of Bids).

- 12.3 Confirmation of Bid - If a review of the bid suggests that a mistake may have been made, the bidder should be asked to confirm the bid. Confirmation should be requested in situations where there are clear, apparent errors on the face of the bid or when the bid is significantly lower than the other bids submitted. If the bidder alleges a mistake, the bid may be withdrawn if the conditions outlined in Subsections 12.1, 12.4 and 12.6 of this section are met.
  - 12.4 Mistakes Discovered After Opening but Before Award - This subsection outlines the procedures to be applied where mistakes in bids are discovered after opening but before the award.
    - 12.4.1 Minor Informalities – Minor issues that are matters of form rather than substance – such as those evident from the bid document or insignificant errors – may be waived or corrected if they do not significantly affect the quantity, quality, delivery, or contractual conditions. The procurement officer may waive such informalities, provided that doing so does not prejudice other bidders. A written explanation justifying the waiver must be included in the purchasing file. Examples include the failure of a bidder to: (i) sign the bid; or (ii) acknowledge receipt of an addendum to the request for bids, but only if the addendum had a negligible impact on price, quantity, quality, or delivery.
    - 12.4.2 Mistakes Where Intended Bid is Evident - If both the mistake and the intended bid are clearly evident from the bid document, the bid will be corrected and may not be withdrawn. Examples of such mistakes include mistakes in extending unit prices, transposition errors, and mathematical miscalculations.
  - 12.5 Mistakes Discovered After Award - Mistakes discovered after the contract award will not be corrected, unless deemed to be in the county's best interest.
  - 12.6 Written Approval or Denial Required - The purchasing agent is responsible for approving or denying a bidder's request to correct or withdraw a bid. The purchasing agent's decision may be noted on the bidder's written request for correction or withdrawal.
- 13.0 Bid Evaluation and Award**
- 13.1 General - The contract is to be awarded to the lowest responsible and responsive bidder, best value bidder, or in the appropriate instance, to the highest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the request for bids. The request for bids will specify the

requirements and criteria to determine the award of the bid. Bids will not be evaluated for any requirements or criteria that are not included in the request for bids. A solicitation may be canceled, or any or all bids or proposals may be rejected, in whole or in part, if it is deemed to be in the best interests of the county.

13.1.1 Responsiveness relates to compliance with the provisions of the solicitation, including specifications and contractual terms and conditions.

13.1.2 Responsibility refers to a bidder's ability to successfully perform the requirements of the proposed contract. Factors that may be considered when determining responsibility include the bidder's experience, past performance, business and financial capabilities, skills, and overall reliability.

13.2 Product Acceptability - The request for bids will specify the evaluation criteria to be used to determine product acceptability. It may also require the bidders to submit samples, descriptive literature, technical data, or other supporting material. It may also provide for:

13.2.1 Inspection or testing of a product prior to an award to evaluate quality;

13.2.2 Examination of appearance, finish, taste, or feel; or

13.2.3 Other examinations to assess whether a product conforms to the specifications. The acceptability evaluation is not intended to determine whether one bidder's item is superior to another, but rather to ensure that a bidder's offering meets the requirements outlined in the request for bids. Any offering which does not meet the acceptability requirements will be rejected.

13.3 Determination of Best Value Bid - Bids will be evaluated to determine overall best value for the intended use, in accordance with the evaluation criteria outlined in the request for bids. Examples of such criteria include transportation cost, energy cost, ownership and other identifiable costs, or life cycle cost formula. Evaluation factors do not need to be precise predictors of actual future costs, but, to the extent possible, such evaluation factors will:

13.3.1 Be reasonable based on information the county has regarding future use; and

13.3.2 Treat all bids fairly.

13.4 Only One Bid or Proposal Received - If only one responsive bid is received in

response to a request for bids, an award may be made to the single bidder if the purchasing agent finds that the price submitted is fair and reasonable, that other potential bidders had a reasonable opportunity to bid, and that the request for bids was not unnecessarily restrictive. Otherwise, the bid may be rejected and:

~~13.4.1 New bids or offers may be solicited to allow for more competition; or~~

13.4.2 The proposed procurement may be canceled.

- 13.5 Other considerations in Evaluation - After bids are opened, Contracts and Procurement may refer the bids to the requesting agency for its review and recommendations to assist in making an appropriate award. During the evaluation period, access to the bids and accompanying information is limited to Contracts and Procurement staff and authorized personnel from the requesting agency involved in the evaluation process. Vendors may be asked for additional information, performance specifications, or clarifications as long as such requested information does not materially change the bid and is needed to determine the lowest responsive and responsible bidder, best value bidder, or in the appropriate instance, the highest responsive and responsible bidder.

#### 14.0 Tie Bids

- 14.1 Award – In the event of a tie bid, the award may be made by drawing lots by the procurement official or by dividing business among tied bidders. If one or more tied vendors qualifies for a preference provided in ordinance, the award shall be made to the vendor that qualifies for the most preferences. If the tied vendors qualify for the same number of preferences, the award will be made by drawing lots or by dividing the business, at the discretion of the procurement official.

#### 15.0 Vendor Performance

- 15.1 Capability - the county will seek vendors capable of providing the required goods and services. Efforts will be made to ensure that specifications promote maximum competition while maintaining the necessary quality standards.
- 15.2 Poor Performance - Instances of poor performance, non-conformance with specifications, breach of contractual terms or conditions, or other vendor-related issues must be documented. Such c o m p l a i n t s m a y serve as a basis for withholding payment and/or possible debarment as a future vendor. Complaints against vendors must be in writing and clearly outline all deficiencies. The agency or purchasing agent may contact the vendor to address the complaint and request that corrective action be taken and documented.



## **16.0 Documentation**

Sufficient records must be maintained to allow for the reconstruction of any purchasing decision. These records should clearly document the rationale, process, and criteria used in making the award. Records should be retained in accordance with GRAMA and applicable county policies.

## **17.0 Request for Contracts**

- 17.1 Contracts may be initiated by a Request for Bids with Resulting Contract (RFC), vendor-prepared contract, formal written contract, or any other legal and lawful means provided by ordinance.
- 17.2 A supplies contract should be considered when there will be frequent purchases made from the vendor.
- 17.3 Renewal options shall be clearly stated in the solicitation, including the number of renewal periods, the duration of each period, and any conditions under which renewals may occur. If all renewal options have been exercised, the county may extend an agreement for up to twelve (12) months to facilitate the re-solicitation of the contract.
- 17.4 Certain contracts may allow for price adjustment based on the contract terms and under specific conditions. The contract may provide an initial period during which the bid prices must remain firm and cannot be increased, usually six (6) to twelve (12) months. Any requests for a price increase from the vendor should be submitted in writing and include justification for such increase. Justification for a price increase should be linked to an independent index or indicator not controlled by either the county or the vendor. Price increases may be granted at the county's sole discretion. Where market prices are decreasing, the vendor is expected to pass the lower prices on to the county, maintaining the same discount rate specified in the contract. If the vendor is unwilling to provide the lower prices to the county, the contract should not be renewed.
- 17.5 Contracts may be awarded to multiple vendors for like goods or services. The using agency will retain comparisons and other purchasing decision factors. In addition to price, factors to consider may include availability, delivery requirements, service, product compatibility, or other relevant considerations.
- 17.6 Contract information for goods and services will be available to all county agencies. Contracts may allow an unlimited number of purchases of a specific good or service to be made at or below the contract price for a defined period of time.

**18.0 Protest and Appeal**

Protests shall be filed and addressed in accordance with Ordinance 3.20.150.

**19.0 Debarment or Suspension**

- 19.1 Performance matters such as failure to meet delivery dates, failure to meet specifications, and failure to keep promises must be documented by the using agency. Copies of complaints should be sent to the vendors in question.
- 19.2 After consultation with the attorney, the purchasing agent may suspend a vendor from consideration for award of contracts, if there is reasonable suspicion that the vendor has engaged in any activity that might lead to debarment. The suspension may not exceed six (6) months.
- 19.3 After providing reasonable notice and an opportunity to be heard, the purchasing agent —following consultation with the attorney— is authorized to debar a vendor for cause from consideration for contract awards. The debarment shall not exceed three (3) years. The causes for debarment include:
  - 19.3.1 Conviction of a criminal offense related to obtaining or attempting to obtain a public or private contract, subcontract, or in the performance of a contract or subcontract.
  - 19.3.2 Conviction under state or federal law for offenses such as embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense that demonstrates a lack of business integrity or honesty which currently, seriously, and directly impacts the vendor's ability to perform as a county contractor.
  - 19.3.3 Conviction under State or Federal antitrust statutes.
  - 19.3.4 Violation of contracts provisions, if the purchasing agent determines the violations are serious enough to justify debarment action.
  - 19.3.5 Failure, without just cause, to perform in accordance with the terms of the contract.
  - 19.3.6 Any other cause that the purchasing agent reasonably determines to be as serious and compelling as to affect the vendor's responsibility. This includes, but is not limited to, debarment by another governmental entity.
  - 19.3.7 Violation of the ethical standards outlined in this policy, state law, or

county ordinance.

19.3.8 Lack of experience or prior performance of work that is deemed unacceptable to the county.

19.3.9 Intentional misstatement and/or misrepresentation to obtain a preference under this policy.

19.4 When debarment is deemed justified, the purchasing agent will inform the vendor in writing. A vendor may only be reinstated if they provide evidence that the issues that caused debarment have been resolved, and only after a three (3) month suspension period.

19.5 The debarment decision may be appealed to the mayor.

## **20.0 Preference System in Procurement under this Policy**

20.1 The procurement official shall apply the preference system (County Ordinance 3.24) to low-bid procurements under this Policy as follows:

20.1.1 An award shall be made to the responsive and responsible vendor that qualifies for the most Preferences, if the qualifying vendor's bid is equal to or less than 104% of the lowest responsive and responsible bid or within \$50,000, whichever value is less. If multiple vendors qualify for the same number of preferences, the award shall be made to the vendor with the lowest responsive and responsible bid among them.

## **21.0 Best Value Bidding**

21.1 Purpose - The purpose of best value bidding is to consider factors in addition to price in making the award for specific goods or services, based on pre-determined criteria identified by the county.

21.2 Evaluation Factors - The best value bid solicitation shall specify the factors to be used in the award determination and the numerical weighting for each factor. Cost must be included as a factor in determination of award and cannot be weighted at less than fifty percent (50%). Best value bid evaluation factors may include any of the following as recommended by the county agency and approved by the purchasing agent: 1) past performance, 2) trade-in considerations, 3) lifespan, 4) warranty considerations, 5) environmental and energy efficiency considerations, 6) delivery terms, 7) experience, 8) life cycle costs, and 9) references. Final approval of the evaluation factors shall be made by the purchasing agent or their designee prior to release of the solicitation.

- 21.3 A best value bidder who qualifies for a preference shall receive a bonus of two percent (2%) of the total points available added to their total score for each preference the vendor qualifies for.
- 21.4 The relevant factors that make up the evaluation criteria for a best value bid must be clearly and properly communicated to the vendors. The rating factors must consist of quantifiable criteria that can be clearly communicated to all bidders. The solicitation will include the scoring evaluation system to be used in awarding the contract or purchase order, along with a clear explanation of how points will be awarded.
- 21.5 The procurement file must contain a reasoned explanation as to why one offeror's features are preferred at the proposed price over another proposal. The evaluation must be reasonable and must bear a rational connection to the established evaluation criteria.
- 21.6 Discussions may be held with apparent responsive bidders to ensure a clear understanding of the best value bid. These discussions will be conducted by the Division of Contracts and Procurement along with the requesting agency.
- 21.7 Bids shall be evaluated solely using only the criteria stated in the solicitation and in accordance with the assigned weighting. All evaluation factors, other than cost, will be considered before determining the effect of cost on the score for each participating bidder.
- 21.8 Award – The award will be made to the responsive and responsible bidder whose bid is determined, in writing, to be most advantageous to the county, considering all evaluation factors outlined in the solicitation.

## **22.0 Request for bids for reverse auction**

- 22.1 The reverse auction bidding process shall:
  - (a) State the period of time during which bids will be accepted;
  - (b) State that the bid will be conducted by reverse auction;
  - (c) Describe the procurement items sought;
  - (d) Describe the minimum requirements to participate;
  - (e) State the required contractual terms and conditions; and
  - (f) Describe the procedure that the purchasing agent will follow in conducting the reverse auction.

22.2 To participate in a reverse auction, a bidder must agree to:

- (a) The specifications, and contractual terms and conditions of the procurement; and
- (b) Be trained in, and abide by, the procedure that the purchasing agent will follow in conducting the reverse auction.

22.3 The purchasing agent shall publish an invitation for bids for a reverse auction in accordance with the requirements of Section 3.20.020.

APPROVED and ADOPTED this 22 day of July, 2025.

SALT LAKE COUNTY COUNCIL

  
Dea Theodore, Chair

ATTEST:

*Lannie Chapman*

Lannie Chapman, County Clerk

Reviewed as to Form  
and Legality  
Salt Lake County  
District Attorney's Office  
Dianne Orcutt Digitally signed by Dianne Orcutt  
Date: 2025.07.18 10:05:14 -0600

