

ORDINANCE NO. 2023 – 53

AN ORDINANCE ESTABLISHING AND ENACTING SECTION 105.08 OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA HEIGHTS, ENTITLED, “BID EVALUATION FACTORS”, TO PROVIDE FOR A NEW SECTION OF THE ADMINISTRATIVE CODE

WHEREAS, the City of Parma Heights Charter enables the City to award contracts by competitive bidding, as determined by Council; and

WHEREAS, the City has determined that the “lowest and best” bidder may be identified by the use of several factors in addition to the dollar amount of the bid; and

WHEREAS, it is the desire of this Council, based on the recommendation of the Administration, to establish and adopt Section 105.08, “Bid Evaluation Factors”, in order to evaluate and select the lowest and best bidder, in the discretion of the City, for the award of contracts through competitive bidding.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Parma Heights, Cuyahoga County, State of Ohio:

Section 1: That this Council does hereby establish and enact Section 105.08, entitled, “Bid Evaluation Factors” of the Administrative Code, which reads in its entirety as set forth in Exhibit “A” and which is attached to this Ordinance and incorporated by reference as if fully rewritten herein.

Section 2: All Ordinances and Resolutions or parts thereof which are in conflict or inconsistent with any provision of the new Section adopted in Section 1 of this Ordinance are hereby repealed as of the effective date of this Ordinance.

Section 3: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of the Council and any of its Committees comprised of a majority of the members of the Council that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4: That this Ordinance shall take effect and be in force from and after the earliest date provided for by law.

PASSED: October 10, 2023

Thomas Rounds
PRESIDENT OF COUNCIL

ATTEST: Barbara Allen
CLERK OF COUNCIL

October 10, 2023
APPROVED

FILED WITH
THE MAYOR: October 10, 23

Marie Gallo
MAYOR MARIE GALLO

EXHIBIT A

105.08 BID EVALUATION FACTORS

- (a) The following factors are significant in determining whether a bid is the lowest and best bid and may be considered and applied by city officials, in their discretion, when determining the lowest and best bid for supplies, commodities, materials, equipment, furnishings or construction, renovation, maintenance, repair, businesses or general services.
- (1) The bidder's familiarity with the project.
 - (2) Adequacy of the equipment for the project.
 - (3) The bidder's record on similar projects.
 - (4) The bidder's experience in the relevant field in the preceding twelve months, including the original contract price for each job undertaken and the cost of any change order and overruns.
 - (5) The bidder's compliance with deadlines.
 - (6) The bidder's prior performance on any project taken for the City of Parma Heights.
 - (7) The bidder's financial solvency.
 - (8) Whether the bidder has ever sued or been sued by a public entity over a public project.
 - (9) The bidder's bonding record.
 - (10) The bidder's compliance record with, and maintenance of, unemployment and workers' compensation laws for all employees.
 - (11) The bidder's compliance record with, and maintenance of, federal and state wage laws for all employees.
 - (12) The bidder's compliance record with, and maintenance of, the Fair Labor Standards Act for all employees.
 - (13) The bidder's compliance record with, and maintenance of, Occupational Safety and Health Administration regulations for all employees.
 - (14) The experience, training, and skill of the bidder's workforce in writing.
 - (15) The number of years the bidder has been in the relevant businesses.
 - (16) The continuity of the bidder's workforce.
 - (17) The bidder's past compliance with employee drug testing.
 - (18) Past compliance with local and state income tax laws.
 - (19) The bidder's participation in a state accredited apprenticeship program when it is required by Ohio prevailing wage law.
 - (20) Any other factor determined to be relevant.
- (b) Bid specifications may contain provisions conforming to subsection (a) of this section. Evidence of the factors a bidder wishes to be considered is the responsibility of the bidder.
- (c) City Officials may reject any or all bids, or parts of bids, for any reason if acceptance is not in the best interest of the City.