

COTTONWOOD HEIGHTS

ORDINANCE NO. 237

AN ORDINANCE AMENDING CHAPTER 2.160 OF THE COTTONWOOD HEIGHTS CODE OF ORDINANCES REGARDING THE DELIVERY OF CONSTRUCTION SERVICES

WHEREAS, effective 14 January 2005, the city council (the “*Council*”) of the city of Cottonwood Heights (the “*City*”) adopted a code of ordinances (the “*Code*”) for the City; and

WHEREAS, the Code includes chapter 2.160 (“*Chapter 2.160*”) concerning the purchasing of goods and services for the City; and

WHEREAS, the City’s administration has requested that Chapter 2.160 be amended to adopt by reference UTAH CODE ANN. 63G-6a-1205(4) concerning contract types that may be used by the City, as authorized by UTAH CODE ANN. 63G-6a-104(13)(c) and (14); and

WHEREAS, the Council met in regular session on 10 March 2015 to consider, among other things, amending Chapter 2.160 as requested; and

WHEREAS, the Council has reviewed and analyzed UTAH CODE ANN. 63G-6a-1205(4), and has determined that authorizing such contract types will be in the City’s best interest; and

WHEREAS, after careful consideration, the Council has determined that it is in the best interest of the health, safety and welfare of the citizens of the City to so amend Chapter 2.160;

NOW, THEREFORE, BE IT ORDAINED by the city council of the city of Cottonwood Heights as follows:

Section 1. ***Adoption of Amended Chapter 2.160.*** Chapter 2.160 is hereby amended to include new Section 2.160.300, as follows:

2.160.300 Authorized contract types.

As authorized by UTAH CODE ANN. 63G-6a-1205(4), the city is authorized to use any of the following contract types:

- A. A fixed price contract;
- B. A fixed price contract with price adjustment;
- C. A time and materials contract;
- D. A labor hour contract;
- E. A definite quantity contract;
- F. An indefinite quantity contract;
- G. A requirements contract;
- H. A contract based on a rate table in accordance with industry standards; or
- I. A contract that includes one or more of the following construction delivery methods:
 1. Design-build;
 2. Design-bid-build; or
 3. Construction manager/general contractor.

Section 2. ***Action of Officers.*** All actions of the officers, agents and employees of the City that are in conformity with the purpose and intent of this ordinance (this “*Ordinance*”), whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

Section 3. **Severability.** It is hereby declared that all parts of this Ordinance are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Ordinance.

Section 4. **Repealer.** All ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 5. **Effective Date.** This Ordinance, assigned no. 237, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's recorder, or such later date as may be required by Utah statute.

PASSED AND APPROVED this 10th day of March 2015.

ATTEST:



COTTONWOOD HEIGHTS CITY COUNCIL

By: Kory Solorio
Kory Solorio, Recorder

By: Kelvyn H. Cullimore, Jr.
Kelvyn H. Cullimore, Jr., Mayor

VOTING:

Kelvyn H. Cullimore, Jr.	Yea	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>
Michael L. Shelton	Yea	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>
J. Scott Bracken	Yea	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>
Michael J. Peterson	Yea	<input type="checkbox"/>	Nay	<input type="checkbox"/>
Tee W. Tyler	Yea	<input type="checkbox"/>	Nay	<input type="checkbox"/>

DEPOSITED in the Recorder's office this 10th day of March 2015.

POSTED this 10 day of March 2015.