

1 BY AUTHORITY

2 ORDINANCE NO. _____
3 SERIES OF 2021

COUNCIL BILL NO. 21-1234
COMMITTEE OF REFERENCE:
Finance & Governance

6 A BILL

7 **For an ordinance establishing the process for city council procurement of**
8 **professional services.**
9

10 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

11 **Section 1.** That a new section 13-11, D.R.M.C. shall be added to article II to read as follows:

12 **Sec. 13-11. - Definitions.**

13 As used in this article II, the following words and phrases shall have the following meanings,
14 unless otherwise clearly required by the context:

15 (1) *Consultant.* An independent contractor that provides professional services.

16 (2) *Contract.* A legal and binding written agreement.

17 (3) *On-call contract.* A contract to provide services on an as-needed basis during the
18 contract term. Individual task orders set forth the scope of the services to be provided and a price
19 determined by rates agreed to in the on-call contract.

20 (4) *Procurement.* To obtain or acquire by particular method, including invitation for bids,
21 request for qualification, statement of interest, request for proposal, invoice, or purchase order.

22 (5) *Scope of services.* A written description of the desired services.

23 (6) *Sole source.* Services which are indispensable and obtainable from only one
24 consultant.

25
26 **Section 2.** That a new section 13-12, D.R.M.C. shall be added to article II to read as follows:

27 **Sec. 13-12. - Initiating a request and selection process.**

28 (a) A minimum of three members of city council shall sign a written request to initiate a
29 procurement of professional services to aid city council in carrying out its duties and responsibilities
30 under the charter.

31 (b) For work that will exceed \$50,000, general services or legislative services shall
32 conduct a formal solicitation process as follows:

1 (1) A written solicitation shall be prepared to notify potential qualified consultants of the
2 contemplated scope of services, the procedure for selection, and the criteria that will be used in
3 evaluating each responsive submission.

4 (2) A written solicitation shall be advertised for a minimum of 3 business days.

5 (3) Responsive proposals will be reviewed by a selection panel comprised of a panel set
6 forth in the city council legislative rules. Such panel will recommend an award to a responsive
7 proposer.

8 (c) The terms and conditions of council contracts will be reduced to writing on a form
9 approved by the city attorney and include the appropriate insurance requirements.

10 (d) Council professional service contracts and any amendments thereto shall be
11 submitted to city council for approval by resolution in accordance with section 6 of this code.

12 (e) Council contracts shall be submitted for attestation by clerk and countersigned by
13 finance and auditor.

14 Nothing herein shall prevent city council or a member of council from using a purchase
15 order to procure services for nominal amounts.

16

17 **Section 3.** That a new section 13-13, D.R.M.C. shall be added to article II to read as follows:

18 **Sec. 13-13. -Procurement of services not subject to formal selection process.**

19 (a) Regardless of the threshold amount, city council may exercise their authority to
20 procure professional services without a formal selection process when procuring services from a
21 sole source or when procuring services that are indispensable to address a matter requiring urgent
22 action by city council.

23 (b) Any person or business entity awarded a contract this section 13-13 shall furnish to
24 city council a written certificate that meets the requirements under 20-69(c).

25

26 **Section 4.** That a new section 13-14, D.R.M.C. shall be added to article II to read as follows:

27 **Sec. 13-14. - Limitation on powers.**

28 (a) The retention of professional services shall not be used for any purpose covered by
29 or that would present a conflict with article VI of the charter.

30 (b) The retention of professional services shall not be procured if the cost will exceed
31 amounts appropriated and encumbered in the city council operating budget or district office
32 budgets combined.

33

1 **Section 5.** That section 13-6(a), D.R.M.C. shall be amended to add the language underlined to
2 read as follows:

3 **Sec. 13-6. -Resolutions.**

4 (2) The adoption or amendment of any council rule of procedure pursuant to section 13-2 of
5 this code or approval of a council professional service contract pursuant to section 13-12 of this code.
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7 **Section 5. Effective Date.** This ordinance will take effect upon final publication.
8

9 COMMITTEE APPROVAL DATE: October 19, 2021

10 MAYOR-COUNCIL DATE: N/A

11 PASSED BY THE COUNCIL _____ November 1, 2021

12 *Steve Filmore* - PRESIDENT

13 APPROVED: _____ - MAYOR *Mike* Nov 2, 2021

14 ATTEST: _____ - CLERK AND RECORDER,
15 EX-OFFICIO CLERK OF THE
16 CITY AND COUNTY OF DENVER
17

18 NOTICE PUBLISHED IN THE DAILY JOURNAL _____; _____

19 PREPARED BY: Jonathan Griffin, Assistant City Attorney DATE: October 4, 2021

20 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the
21 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
22 ordinance. The proposed ordinance **is not** submitted to the City Council for approval pursuant to §
23 3.2.6 of the Charter.

24 Kristin M. Bronson, Denver City Attorney

25 BY: *Jonathan Griffin*, Assistant City Attorney DATE: Oct 21, 2021
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