

The Open and Fair Competition Resolution for Municipal [or Local] Water and Wastewater Projects

Summary

It is the intention of this resolution to ensure that all proven and acceptable piping materials be included in all bids for water and wastewater projects. This promotion of free competition will ensure limited government resources are being used to the greatest advantage. The goal is to construct a project at the best price and best value for system customers and taxpayers.

Model Policy

{Title, Enacting clause, etc.}

Be it enacted by the [Insert jurisdiction].

Section 1. {Definitions}

(A) “Governmental Agency” refers to any county government or municipality.

(B) “Acceptable Piping Material” refers to piping material that meets current and recognized standards as issued by the American Society for Testing and Materials (ASTM) and the American Water Works Association (AWWA).

Section 2. {Procurement Procedures for Water and Wastewater Piping}

(A) Government agencies shall engage in open competitive bidding to study, plan, design, construct, develop, finance, maintain, rebuild, improve, repair, or operate water and wastewater utilities; and

(B) All procurement transactions for piping material shall be conducted in a manner that provides for open and free competition. All acceptable piping materials shall be considered in the procurement process.

(C) Government agencies shall consider the quality, sustainability, durability, structural integrity, soil compatibility, permeability, ease of repair, abrasion resistance, constructability and corrosion resistance when procuring piping material.

(D) Government agency employees shall not participate in the selection process when those employees have a relationship with private entities seeking a contract under this Act or as proscribed by existing state or local contracting law.

(E) All procurement transactions, regardless of whether by sealed bids or by negotiation and without regard to dollar value, shall be conducted in a manner that provides maximum open and free competition. Procurement procedures shall not restrict or eliminate competition.

(F) Unlawful restrictions on competition include, but are not limited to:

- (1) Placing unreasonable requirements on firms in order for them to qualify to do business;
- (2) Noncompetitive practices between firms;
- (3) Organizational conflicts of interest;
- (4) And unnecessary experience and bonding requirements.

(G) In addition the Government Agency shall consider all materials normally suitable for the project commensurate with sound engineering practices and project requirements.

Section 3. {Severability clause}

Section 4. {Repealer clause}

Section 5. {Effective date}

Approved by the ALEC Board of Directors January 9, 2015.