



Together, Investing in Municipal Excellence

STILLWATER ECONOMIC DEVELOPMENT AUTHORITY MEETING AGENDA

APRIL 15, 2024

723 S. Lewis Street, Room 1122 B

Stillwater, OK 74074

5:30 PM

Chair Will Joyce, Vice Chair Amy Dzialowski, Trustees Christie Hawkins, Kevin Clark,
& Tim Hardin

1. Call Meeting to Order

2. Consent Docket

Items listed on the consent docket are routine administrative matters that may be approved without discussion. SEDA will take action on these items collectively with a single vote. The requested SEDA action is indicated for each item listed. Should a Trustee elect to discuss, amend, revise, or table any item listed on the consent docket, the item will be moved to the section of the agenda titled "Items Removed from the Consent Docket" for consideration and possible action. Additionally, a Trustee or the General Manager may simply ask the Chair to remove an item from the consent docket prior to action by the Trustees and no action will be taken on the removed item at this meeting.

a.	Approve meeting minutes from April 1, 2024
----	--

3. Public Comment

4. Items Removed from the Consent Docket

Items removed from the consent docket are placed on this section of the agenda for discussion, revision, amendment and/or tabling prior to action by the Trustees. The Trustees may take action, including a vote or series of votes, on items removed to this section of the agenda after the requested discussion, revision, or amendment.

5. General Orders

SEDA will hear a staff presentation and take action including a vote or series of votes on each item listed as presented or as amended or revised by members of the Authority unless the agenda entry specifically states no action will be taken. The requested action is indicated in each agenda entry but may be amended or revised prior to action by the Authority.

a.	Stillwater Chamber of Commerce Economic Development Quarterly Report
----	--

6. Resolution

a.	RESOLUTION NO. CC-2024-9; SUA-2024-2; SEDA-2024-1: A RESOLUTION ADOPTING REVISIONS TO THE PURCHASING POLICY FOR THE CITY OF STILLWATER AND ITS TRUSTS
----	---

7. Questions and Inquiries

8. Reports from Officers and Boards

Announcements and remarks of general interest may be made by Trustees, General Manager or General Counsel. Items of City business that may require discussion or action, including a vote or series of votes, are listed below

9. Adjourn

On April 11, 2024 at 3:00 p.m., a true and correct copy of this agenda was posted on the kiosk outside City Hall, 723 S. Lewis Street, Stillwater, OK.

1. The City of Stillwater encourages participation from all citizens. If participation at any public meeting is not possible due to a disability, please notify the City Manager's office at least 48 hours prior to the meeting by calling 405.742.8243.
 - Meetings are televised on AT&T U-verse channel 99 and Optimum channel 14.
 - Find meeting agendas and minutes online at [Agendas and Minutes](#)
 - Official minutes are archived in the City Clerk's office.

IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING LAW, THE AGENDA
WAS POSTED MARCH 29, 2024 AT 11:30 A.M. AT THE MUNICIPAL BUILDING,
723 SOUTH LEWIS, STILLWATER, OKLAHOMA

MINUTES
STILLWATER ECONOMIC DEVELOPMENT AUTHORITY
REGULAR MEETING
COUNCIL HEARING ROOM
723 S. LEWIS
APRIL 1, 2024

PRESENT: CHAIR WILLIAM H. JOYCE, VICE CHAIR AMY DZIALOWSKI,
TRUSTEES KEVIN CLARK AND TIM HARDIN

ABSENT: TRUSTEE CHRISTIE HAWKINS

1. CALL MEETING TO ORDER

Chair Joyce called the meeting to order at 6:27 p.m.

2. CONSENT DOCKET

- a. Approve regular and executive session meeting minutes from March 25, 2024
- b. Consideration and approval of the proposed term sheet for Progressive Development, LLC for the TIF#3 project at 116 W. 10th Avenue and direct special counsel to enter into a development agreement and authorize the General Manager to sign the documents.

MOTION BY VICE CHAIR DZIALOWSKI, SECOND BY TRUSTEE CLARK TO APPROVE THE
CONSENT DOCKET AS PRESENTED.

ROLL CALL VOTE: JOYCE-YEA, DZIALOWSKI-YEA, CLARK-YEA, HARDIN-YEA.
NAY-NONE. MOTION CARRIED WITH FOUR YEA VOTES.

3. PUBLIC COMMENT ON AGENDA ITEMS NOT SCHEDULED FOR PUBLIC HEARING

There were no requests to speak on agenda items not scheduled for public hearing.

4. ITEMS REMOVED FROM CONSENT DOCKET

None.

5. QUESTIONS & INQUIRIES

None.

6. REPORTS FROM OFFICERS & BOARDS

- a. Miscellaneous items from General Counsel: No report.
- b. Miscellaneous items from General Manager: No report.
- c. Miscellaneous items from Trustees: No report.
 - i) Discussion about scheduling items for future meetings

7. ADJOURN

MOTION BY TRUSTEE CLARK, SECOND BY TRUSTEE HARDIN TO ADJOURN THE APRIL 1, 2024 REGULAR MEETING OF THE STILLWATER ECONOMIC DEVELOPMENT AUTHORITY.

ROLL CALL VOTE: JOYCE-YEA, DZIALOWSKI-YEA, CLARK-YEA, HARDIN-YEA.
NAY-NONE. MOTION CARRIED WITH FOUR YEA VOTES.

The regular meeting of the Stillwater Economic Development Authority adjourned at 6:28 p.m.

**WILLIAM H. JOYCE, CHAIR
STILLWATER ECONOMIC DEVELOPMENT
AUTHORITY**

**TERESA KADAVY, SECRETARY
STILLWATER ECONOMIC DEVELOPMENT
AUTHORITY**

DRAFT

SEDA Report- Working for April 2024 for Q1

Stillwater Chamber of Commerce to The Stillwater Economic Development Authority:

Deliverables as outlined in the SEDA Contract:

A.) Serve as Stillwater's first contact for economic development services and collaborate with City staff as necessary to provide timely responses to inquiries from potential new businesses. The Chamber shall communicate consistently with relevant city staff on efforts geared toward business retention and expansion and attracting new business to Stillwater.

- i. Monthly meeting with City of Stillwater: First Wednesday of every month Kari Moore and Brady Moore (no relation) meet at the City of Stillwater to discuss the previous months BRE Visits, ongoing RFP projects, and upcoming events to support local businesses.

B.) See A.

C.) Produce materials that market and promote the City including a website and information packets for prospective businesses in collaboration with the City and Visit Stillwater. A shared "Grow Stillwater" marketing campaign will be in effect by the end of calendar year 2023.

- i. We are creating a plan to re-work the Grow Stillwater website. We uncovered a lot of this information is already available at a state level through our Greater OKC Partnership. We are currently working on a strategic plan that outlines the mission of a Grow Stillwater Campaign with intentionality.

D.) Conduct a Business Retention and Expansion (B.R.E.) program to support existing Stillwater area businesses with efforts to maintain a competitive market position; to secure ongoing operations and employment levels; and to facilitate growth and expansion opportunities. The Chamber will stay in contact with businesses and business owners about available State and USDA Rural Development grant programs.

- i. B.R.E. visit was made to USA Rare Earth. It was communicated by Bob Fredette that they are a year behind on the project and did not receive the federal funding they were counting on to move onto the next stage of their project. They are currently seeking about \$5million in private funding to finish out their lab which would bring in additional funding resources.
- ii. B.R.E. visit was completed at RPX. Their main struggle is with hiring. They are currently expanding their facility to include a new production line for their latest camera. Looking to create 18 more positions. I connected RPX to Ashley Moore as she is leading the SPS Aviation program that RPX wants to support. Additionally, RPX would like to start an aviation roundtable of local businesses that support the aviation industry. The Oklahoma Business Roundtable has funds set aside to assist in getting local associations started. That connection has been made.
- iii. B.R.E. visit was made to National Standard. We discussed their 50-year history in Stillwater as well as the state OEIP program they declined to participate in at this time. They are currently employing 175 people. They have a new product

line they are focused on as a key element of their current growth strategy. They are also focusing on their rebranding and shifting the local market perception by investing in the Stillwater community through community outreach which includes supporting food drives, sponsoring SPS programs, Supporting Wings of Hope and Habitat for humanity.

- iv. OSU Innovation Foundation met to discuss their current projects, updates, and plan for Innovation Park.
- v. B.R.E. visit was conducted with the Payne County Fairgrounds. The purpose of this meeting was to help connect the amount of traffic Stillwater receives on a national level from all of the events held at the fairgrounds with the community impacts that come from it. It was requested that the chamber help put together an Economic Impact Report to show the current traffic and uncover whether it would truly be beneficial to pursue and expansion effort to include an indoor arena.
- vi. Multiple conversations were had with The HUB—They have set their ground breaking for May 1st, 2024.
- vii. There is discussion of bringing a second Bulk Refillery Location to Stillwater from Edmond. This is a business that allows patrons to bring in their own containers to refill things like, hand soap, laundry detergent, shampoo, conditioner and more to cut back on plastic waste.
- viii. The Chamber has been assisting Grand Lake Mental Health with their temporary relocation until their new facility is built. Multiple connections have been made and site visits scheduled.
- ix. The Chamber made multiple attempts to contact the Center Church to assist with their relocation and never received a call or email back.
- x. A site visit was organized on 3/19/2023 by the Chamber to 4115 N. Perkins Rd., (Old Armstrong Facility) for a private client looking to purchase that building.
- xi. The Chamber of Commerce is currently working with the Oklahoma Manufacturing Alliance to put on a recruiting event that targets communities surrounding Stillwater to increase the job force pull.
- xii. The Chamber is currently working to sell lot 12 of commerce place to a local small business expanding and needing an industrial location.
- xiii. The Chamber has worked with Trinity Vet Hospital on their Pet Spa Expansion planning.

E.) Current or In-progress Chamber Projects: High Paying and High Capital Investment: Conduct business recruitment strategies to bring high-paying jobs consistent with Stillwater's workforce demographic.

- a. See attached Excel Sheet of RFP opportunities that we have or have not responded to with corresponding reasons.
- b. The Stillwater Chamber is currently creating a strategic plan that will create a repetitive process that allows for intentional recruitment of businesses and industries while responding to RFPs that fit the direction of growth Stillwater is looking for.
- c. Project Rohan
 - i. This project continues to move forward positively. Conversations surrounding infrastructure service and updates took place this quarter concerning project Rohan. This project, which started its inquiry into the Stillwater community

shortly before 2020, has re-engaged the Chamber and City team with a continued interest in developing in the Stillwater Community.

- d. Project Verde
 - i. A second site visit was completed 3/19/2024 and continues to move forward positively. This RFP process was done in reverse order; the site was selected then the RFP was put together.
 - ii. This project is interested in the Armstrong Facility and would bring approximately 125 jobs over a 5-year period with average hourly wage rates at \$25/hr.
- e. The Chamber is currently working with an OK based manufacturing company looking to relocate to Stillwater. This will bring an additional 50 jobs over a 3-year period. The chamber was approached directly and privately by this company owner for assistance.

F.) Participate in regional and statewide cooperative marketing programs that provide access to business intelligence databases and joint recruitment opportunities.

- i. Within the last quarter, the Stillwater Chamber conducted introductions and trainings with the Greater Oklahoma City on the benefits of the Greater OKC Partnership membership we hold. Part of this has been connecting our local board of realtors to the Catalyst program that allows for commercial properties to be posted for free as part of their site selection format.
- ii. The Chamber has joined Select Oklahoma, an organization whose mission is to bolster statewide efforts in job creation and investment, advocating for a thriving economy through various channels including legislative support, education, and professional collaboration.

G.) Offer educational programs and access to resource providers to assist small businesses and entrepreneurs.

- i. The Chamber of Commerce hosts a monthly legislative breakfast forum. This forum provides the Stillwater constituency the opportunity to speak directly with their representatives and senators at the capitol, advocating for initiatives at the legislative level that will benefit the Stillwater Community.
- ii. The Chamber is currently working to revamp the programs available for business retention. The primary focus quarter 2 will be listening sessions, broken down by industry cluster, to hear the pain-points of local businesses and provide relevant resources and solutions.
 - 1. In hopes of revamping the Economic Development Committee and its function at the Chamber, this programming will be a part of the normal function of the Committee Meetings. Moving forward, space will be given at meetings for those representing various industries to share trends, pains and wins within their respective industries. These meetings will help the Chamber to have a better understanding of the experiences of local business owners. This part of the monthly meetings will be held at the end of scheduled programming and allow space for business owners and leaders to give the Chamber more insight into business trends and growth possibilities within the Stillwater Community

- iii. The Chamber is currently working on the strategic plan and what action steps can be taken to support entrepreneurs and small business owners looking to open or expand a business in Stillwater. (See Section E, Subpoint XI. for more information.)
- iv. The Chamber of Commerce is working with Meridian Technology Center's Business Incubator to provide programming from local entrepreneurs and small business owners. This programming, which is made up of 6, hour long sessions pertaining to logistics of running a small business, will take place from June 2024-August 2024. Highlighting different small businesses in the community, this program draws attention to the value and impact of small businesses while providing resources to promote their success and expansion. Small business owners who attend five out of six of the sessions and participate in a business improvement pitch competition will be considered to win money to go towards the cost of the improvements needed from the Chamber's preferred membership fund and ED money.

H.) The Chamber is currently working on promoting and conducting its annual Lemonade Day event, geared to encourage elementary aged school children to participate in starting their own business (a lemonade stand). They are set up outside of a local business to encourage people to stop, shop and visit.

- a. This year's Lemonade Day is May 4, 2024. Information will be emailed out and posted on social media for details.
- b. The Chamber is supporting the Washington Street District in a summer event that will encourage people to support businesses on The Strip. It is currently in the works to partner with Summer on the Plaza and create a Summer on the Strip night.

KPI: SEDA REPORT ADDENDUM (Q1 2023)

*Kari Moore Started 2/26/2024- This information is based on her start date to present

Number of State Projects Submitted: 1

Number of Small Business Assisted: 4

Number of Outside Business Development Inquiries: 3

Number of Site Visits: 1

Number of Retention and Expansion Visits: 5

Large Projects Secured: 0

Stillwater Chamber of Commerce
Alane Zannotti
405.334.2138
Alane@stillwaterchamber.org

Stillwater Chamber of Commerce
Kari Moore
405.372.5573
Kari@stillwaterchamber.org

<u>RFP Name:</u>	<u>RFP Received:</u>	<u>RFP Due Date:</u>	<u>Project Specs</u>	<u>Response: Y/N</u>	<u>Notes:</u>
Project Verde	3/7/2024	3/12/2024	Not typical RFP—They found the site first. Docuent submitted with partnership of OKC Region help •Property Size: 500+ acre sites (but sounds like they would consider smaller if power was available) - oStructure: Willing to consider land for purchase or a ground lease •Power: 700 MW in total (ideal) - oRamp: 100-200MW in 2-3 years; 700 in year 5 •Jobs: 50-100 in total @ \$85K •Capital Investment: \$1.5B-\$4B depending on how much •Rail served site •70,000 – 200,000 square foot existing building •Ideally the building would be rectangular in shape. At 144,000 square feet the ideal dimensions would be 600' x 240'. (We understand your building submittal may not match this exact requirement.) •Building / Site will need to accommodate employee parking, truck staging, outdoor storage, loading docks, with the ability to place a security fence around the property. •Industrial zoned •Power: Capable of supplying at least 2.5 MW of electric demand initially (within calendar year 2024) ramping up to 7 MW at full production (by year 2) •Timeline: Occupancy/start of operations “later this year” - oOut of region jobs: 20 employees • Estimate consumption/mo: - o Power energy: 150 – 180 MWh - o Natural Gas: 65,000 – 75,000 m³ - o Water: 500 – 600 m³ - o Oxygen: 4 20,000 – 30,000 m³ • Land area of approx. 160,000 SF (54,000 SF of existing building) – Initially leasing • CAPEX investment: \$6M • Federal FTZ & OZ preferred, not required • Proximity to port and rail preferred • Availability of suitable infrastructure, logistical advantages • Property/Building Requirements: •Greenfield/brownfield sites are being considered. •Preferred: Existing building with purchase option. •Minimum of 65,000 sq.ft. manufacturing facility as outlined below - oConcrete floor thickness, (more than 20 cm) - oCeiling Height Minimum of 27 Feet - o1 Loading Dock (Bay width > 15 feet is better) - oParking lot with minimum of 40 parking spaces - o3 acres Minimum (with Building or Greenfield) - oUtilities on-site with appropriate capacities •Building specifications: - oProduction area: 40,000 SF - oWarehouse area: 20,000 SF - oOffice: 5,000 SF •Transportation/Access - oAirport access – required within 100 miles - oRail access required - oHighway Access – proximity is of interest •Power Requirements: - o500 kW Peak Demand - o600 kW Annual Peak Demand - o224,360 kWh Monthly kilowatt-hours - o2,692,329 kWh Annual kilowatt-hours - Project Requirements: •Purchase preferred (open to lease) •Minimum 50 acres up to 100+ acres (100 preferred) - Greenfield site. •Zoned industrial •Outdoor storage of raw materials is desired •Interstate/hwy access – preferred within 3-5 miles: company primarily used truck transportation for both raw materials and finished goods – 12 trucks per day inbound, outbound undetermined •Rail – valued but not a requirement •Adjoining uses: compatible adjacent uses (i.e. distance from major residential areas, schools, etc.) - Utilities (see attached RFI for explanations/use details): •Electric Consumption –Peak demand: 5 MW –Load Factor: 85% –Redundancy: redundancy is preferred •Natural Gas: N/A - We are working with a consultant who has a client interested in locating a steel fabrication facility in our region and specifically close to or no more than one hour from the I-35 corridor – the project name is Project Krama. - The project is at its early stages therefore we are doing a property search only at this time.	yes	All RFP documents found on my computer here: C:\Users\reagan\Desktop\Project Verde
Project Sassy	3/20/2024	3/26/2024		No	Due to Project Rohan moving forward positively we do not have the land or manpower to support this project
Project Grid	3/20/2024	3/22/2024		No	Due to project Verde moving forward positively and quickly we do not have a site to accommodate the need.
Project MESC	3/21/2024	Unknown		No	Did not respond the requirements were for areas outside of stillwater
Project Dego	3/26/2024	3/28/2024		No	Do not have a facility to meet the needs at this time; also not able to meet the water support requests
Project Yaris	4/1/2024	4/10/2024		No	RFP Responses on hold as we navigate Project Verde and Project Rohan and create ongoing response process and focus.
Project Mango	4/3/2024	4/9/2024		No	Water infrastructure not able to support a facility like this at this time.
Project Krama	4/4/2024	4/9/2024	Requirements: •Existing building of 125,000 – 250,000 SF on 20 – 40 acres (ideal acreage: 35) •Prefer to purchase •Ceiling height: 24 ft clear •Dock doors •Cranes or ability to have cranes •100,000 tons – floor capacity •Industrial zoning Notes: if renovating buildings on the smaller side (10000	No	RFP Responses on hold as we navigate Project Verde and Project Rohan and create ongoing response process and focus.

RESOLUTION NO. CC-2024-9; SUA-2024-2; SEDA-2024-1

“A RESOLUTION ADOPTING REVISIONS TO THE PURCHASING POLICY FOR THE CITY OF STILLWATER AND ITS TRUSTS.”

WHEREAS, the Mayor and City Councilors and Chair and Trustees of its Trusts adopted a Purchasing Policy in 2019 for the purpose of establishing general parameters for promulgation of minimum standards related to the acquisition of goods, services, materials, supplies and equipment that shall govern the conduct of City and trust officials; and

WHEREAS, city staff is charged with periodic review of the policy, and has reviewed the current policy and recommends revisions in order to update the policy to comply with legislative changes and best practices; and

WHEREAS, it is in the best interest of the City of Stillwater and its public trusts to adopt revisions to the “City of Stillwater Purchasing Policy.”

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF STILLWATER AND THE CHAIR AND TRUSTEES OF THE STILLWATER UTILITIES AUTHORITY AND THE STILLWATER ECONOMIC DEVELOPMENT AUTHORITY:

Section 1. The “City of Stillwater Purchasing Policy” attached hereto is hereby adopted in its entirety.

Section 2. The Purchasing Policy shall become effective immediately upon passage of this Resolution and shall apply to all purchases after the date of adoption of this Resolution.

Section 3. Staff shall continue to identify opportunities to improve the Purchasing Policy and processes, and the sections of City Code that reference them, if applicable, and present recommendations for such improvements.

PASSED, APPROVED AND ADOPTED this 15 day of April, 2024.

CITY OF STILLWATER, OKLAHOMA
A Municipal Corporation

STILLWATER UTILITIES AUTHORITY
A Public Trust

STILLWATER ECONOMIC DEVELOPMENT
AUTHORITY
A Public Trust

WILLIAM H. JOYCE, MAYOR/CHAIR

(SEALS)

ATTEST:

TERESA KADAVY
CITY CLERK/SECRETARY

APPROVED AS TO FORM AND LEGALITY on this 15 day of April, 2024.

KIMBERLY CARNLEY
CITY ATTORNEY/GENERAL COUNSEL

City of Stillwater Purchasing Policy

Approved by City Council on _____, 2024.

The City Council, acting on behalf of the City of Stillwater, a municipal corporation and as trustees for the Stillwater Utilities Authority, Stillwater Economic Development Authority, and Stillwater Public Works Authority, public trusts established pursuant to Title 60, Oklahoma Statutes (collectively "trusts"), adopts the following policies regarding purchasing by said entities. It is the intention of the City Council and trustees that said policies establish general parameters for the promulgation of minimum standards and processes for the acquisition of goods, services, materials, supplies and equipment. It is also the intention of the City Council and trustees that these policies shall govern the conduct of City and trust officials whenever constitutional and statutory authorizations are silent as to a process or result.

I. GENERAL PROVISIONS:

1. All purchasing by the City and its duly established public trusts shall be conducted in accordance with applicable constitutional and statutory provisions. This shall include, without limitation, the United States and Oklahoma Constitutions, the Stillwater City Charter, Federal and Oklahoma Statutes, and Regulations, the Stillwater City Code, and the Stillwater Utilities Authority, Stillwater Economic Development Authority, and Stillwater Public Works Authority trust indentures and amendments.

2. The City Council and/or trustees shall have final authority over all purchases. Whenever there is a question regarding jurisdiction a referral shall be made to the City Council or the affected trust.

3. All purchases valued at one hundred thousand dollars (\$100,000) or more shall require prior approval of the City Council or trust.

4. Solicitation of written price quotations or some other form of competitive process shall be required for all purchases valued at fifty thousand dollars (\$50,000) or more. Purchases valued at one hundred thousand dollars (\$100,000) shall be competitively bid. This requirement shall not apply to the following types of purchases:

- a. Sole source purchases necessary to support existing systems, equipment, or infrastructure;
- b. professional services;
- c. emergency purchases;
- d. purchases made through government contracts, interlocal agreements, or government sponsored purchasing cooperatives;
- e. real property or any interest thereof.

5. Whenever a purchase or project creates new documents and records that must be retained under the Open Records Act (i.e., electronic data storage), any additional cost associated with the data storage or space required shall be calculated and included as part of the total cost of the purchase or project.

6. Purchases of durable equipment that include long-term manufacturer exclusive or specific service agreements are disfavored and should be avoided. Preference shall be given to bids for equipment that can be serviced by aftermarket items available from vendors other than the manufacturer.

7. "Sole source" purchases are disfavored and shall be subject to a rigid justification process.

8. Contracts for city-wide purchases are favored; individual departments shall not enter contracts or make separate purchases for goods or services that are available on a city-wide contract.

9. The City shall treat all vendors fairly during all aspects of the purchasing process, which shall include a meaningful opportunity to redress grievances.

II. COMPETITIVE BIDDING

1. All City or trust public construction contracts as defined by the Public Competitive Bidding Act of 1974 (61 O.S. § 101 et seq.) shall be competitively bid in accordance with state law.

2. The department soliciting bids for a public construction project shall designate a representative to respond to all project inquiries during the bidding process. All inquiries regarding project requirements from prospective bidders shall be written as shall any response from the City or trust. Written responses shall be made available to all prospective bidders at the same time the response is made to the person or entity making the inquiry. Under no circumstances shall a project representative respond to an inquiry via telephone or by any other verbal means. This provision shall also apply to any third- party agents performing this function on behalf of the City or trusts.

3. Obvious clerical mistakes and scrivener's errors shall be waived whenever it is expedient to do so. Errors in calculation or pricing shall not be corrected or serve as the basis for withdrawal of a bid unless refusal to excuse such an error will produce an inequitable result. Under no circumstance shall a bid correction be permitted if such correction will make the bidder the lowest and best bid.

4. Bids that are more than twenty percent (20%) below the next lowest bid or the engineer estimate, whichever is lower, shall be subjected to additional scrutiny to verify that the bid is fully responsive to the bid specifications. Should it be determined that the pricing as bid is not viable under current market conditions, the bidder shall supplement the bid and demonstrate that it can fully perform and complete the project as originally submitted. Should the bidder fail to so

demonstrate, the bid shall be deemed nonresponsive, and the contract shall be awarded to the next lowest responsible bidder.

5. Bid evaluation criteria shall consider past performance on similar City or trust projects; failure of a contractor to timely or satisfactory complete a previous City or trust project or default on a surety bond shall be considered sufficient grounds for rejection of bid.

6. The Governing Body shall have the authority to reject any and all bids and parts of any or all bids when in the best interest of the City.

7. If two (2) or more bids are received which are equal in the amount bid, quality and service, the contract shall be awarded to one (1) of the equal bidders as follows:

a. To the bidder with an office within the City limits of the City of Stillwater if only (1) bidder maintains an office within the City limits of the City of Stillwater;

b. If no bidder maintains an office within the City limits of the City of Stillwater, to the bidder with an office in the State of Oklahoma if only one (1) bidder maintains an office in the State of Oklahoma;

c. If neither subsection above is determinative, by a coin toss in a public meeting.

8. Projects that are time sensitive or require special expertise shall utilize a prequalification process.

9. Insurance and bonds including, but not limited to, a bid bond, statutory bond, performance bond, maintenance bond, or other type of surety, shall be required as reasonably necessary or as required by law.

III. EMERGENCY PURCHASES

Solicitations for emergency purchases shall utilize the most effective means of notification available to vendors as the circumstances warrant. Provided, however, this policy does not exempt full compliance with applicable constitutional or statutory requirements.