

METROPOLITAN EXPOSITION RECREATION COMMISSION

RESOLUTION NO. 11-22

For the purpose of amending the Metropolitan Exposition Recreation Commission (MERC) Contracting and Purchasing Rules.

WHEREAS, MERC is a local contracting agency and has adopted purchasing and contracting policies; and

WHEREAS, MERC wishes to raise its bond requirement from \$50,000 to \$100,000 on public improvement contracts.

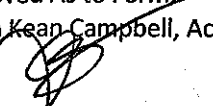
BE IT THEREFORE RESOLVED AS FOLLOWS:

1. The Metropolitan Exposition Recreation Commission adopts the change to the Contracting and Purchasing Rules attached as Exhibit "A."

Passed by the Commission on October 19, 2011.


Chair

Approved As to Form:
Alison Kean Campbell, Acting Metro Attorney

By: 
Nathan A. Schwartz Sykes
Senior Attorney



Secretary/Treasurer

EXHIBIT A

**METROPOLITAN EXPOSITION-RECREATION COMMISSION
CONTRACTING AND PURCHASING RULES**

**Adopted February 23, 2005
Effective March 1, 2005**

Adopted by MERC Resolution No. 05-05 on February 23, 2005; amended by MERC Resolution No. 08-10 on September 24, 2008; amended by MERC Resolution No. 11-22 on October 19, 2011.

EXHIBIT A

D. Bonds.

Bonds and bid security requirements are as follows:

- 1) Bid security not exceeding 10 percent of the amount bid for the contract is required unless the contract is for \$50,000 or less.
- 2) For public improvements, a labor and materials bond and a performance bond, both in an amount equal to 100 percent of the contract price are required for contracts over ~~\$50,000~~ \$100,000.
- 3) Bid security, labor and material bond and performance bond may be required even though the contract is of a class not identified above, if the General Manager determines it is in the public interest.

E. Adoption Of Metro Good Faith Efforts Requirement For Construction Projects.

For construction contracts of \$100,000 or more, the Commission adopts in principle, policy, and content the "Good Faith Effort" program established by Metro Code § 2.04.100 through 2.04.190 (Metro Minority Business Enterprise, Women Owned Business, and Emerging Small Business Program) as they apply to contracts of the Commission. This adoption includes any and all ordinances subsequently adopted by the Metro Council relating to Metro's Minority Business Enterprise, Women Owned Business, and Emerging Small Business Program. The General Manager shall designate MERC staff to perform the functions of the Liaison Officer to carry out the MBE/WBE/ESB program as it relates to MERC contracting activities.

SECTION 8 - CONTRACT AMENDMENTS

A. Public Contract Amendments.

- 1) The General Manager may execute amendments to public contracts provided that any one of the following conditions are met:
 - a) The original contract was let by a formal competitive procurement process, the amendment is for the purpose of authorizing additional work for which unit prices or alternates were provided that established the cost for the additional work and the original contract governs the terms and conditions of the additional work; or
 - b) The amendment is a change order that resolves a bona fide dispute with the contractor regarding the terms and conditions of a contract for a public improvement and the amendment does not materially add to or delete from the original scope of work included in the original contract; or