



Meeting Agenda

Work Session

Tuesday, June 28, 2022

5:00 PM

Board Room

CALL TO ORDER

CITIZEN COMMENTS

Comments on agenda items may be made in person at City Hall or by emailing recorder@franklinton.gov before noon on the day of the meeting. Comments will be submitted for the record.

WORK SESSION DISCUSSION ITEMS

1. Presentation Of Downtown Neighborhood Association (DNA) Survey Results By Lynne McAlister.
Sponsors: Eric Stuckey
2. Consideration Of Liquor License For Longpoint Wine And Spirits, LLC, DBA Longpoint Wine And Spirits, Owned By Darshan Patel (Managing Agent) 4000 Longpoint Way, Franklin, TN 37064.
Sponsors: Lanaii Benne
3. Consideration Of Resolution 2022-43, A Resolution Declaring Certain Right-of-Way Located Within The Fieldstone Farms HOA As Surplus.
Sponsors: Paul Holzen
4. Consideration Of Resolution 2022-30, A Resolution Amending Wood Duck Court PUD Subdivision To Extend The Vested Rights, For The Property Located East Of Carothers Parkway And South Of Murfreesboro Road (250 Rosa Helm Way, 2050 And 2051 Wood Duck Court). Establishing A Public Hearing For July 12, 2022.
FMPC 5/26/22, 8-0 Defer to 6/23/22
Sponsors: Emily Wright, Amy Diaz-Barriga
5. Consideration Of Resolution 2022-28, A Resolution Amending The Madison PUD Subdivision To Extend The Vested Rights, For The Property Located At 801 Del Rio Pike. Establishing A Public Hearing For July 12, 2022.
FMPC 5/26/22, 8-0 Defer to 6/23/22
Sponsors: Emily Wright, Amy Diaz-Barriga
6. Discussion Of Proposed Changes To Certificate Of Use And Occupancy Issuance Process.
Sponsors: Vernon Gerth, Alex Brown, Katherine Harelson
7. *Consideration Of Ordinance 2022-20, An Ordinance To Increase From \$25,000 To \$50,000 The Threshold Over Which Public Advertisement And Sealed Competitive Bids Or Proposals Are Required For Nonemergency, Nonproprietary Purchases.
Finance 6/16/22, 4-0

Sponsors: Kristine Brock, Brian Wilcox

8. Consideration Of Resolution 2022-40, A Resolution To Rescind Certain Resolutions Granting Authority To The City Administrator And Replacing Said Resolutions As Well As Granting New Authorities To The City Administrator.

Finance 6/16/22, 4-0

Sponsors: Eric Stuckey, Shauna Billingsley, Kristine Brock, Mike Lowe

9. Consideration Of Resolution 2022-41, A Resolution Adopting A Revised Purchasing Policy For City Of Franklin Procurements Not Pertaining To New Construction.

Finance 6/16/22, 4-0

Sponsors: Kristine Brock, Brian Wilcox

10. Consideration Of Resolution 2022-42, A Resolution Adopting A Revised Vendor Protest Procedure For City Of Franklin Procurements Not Pertaining To New Construction.

Finance 6/16/22, 4-0

Sponsors: Kristine Brock, Brian Wilcox

OTHER BUSINESS

ADJOURN

Anyone needing accommodations due to disabilities please contact the ADA Coordinator at 615-791-3277 at least 24 hours prior to the meeting.



File #: 21-03320

DATE: June 14, 2022
TO: Board of Mayor and Aldermen
FROM: Eric Stuckey, City Administrator
SUBJECT:

Presentation Of Downtown Neighborhood Association (DNA) Survey Results By Lynne McAlister.

PURPOSE:

The purpose of this memorandum is to provide information to the Franklin Board of Mayor and Aldermen (BOMA) concerning the Downtown Neighborhood Association's member survey results.

BACKGROUND/STAFF COMMENTS:

The Downtown Neighborhood Association (DNA) surveys their members and presents the findings to the Board of Mayor and Aldermen. In 2019, the presentation discussed residents' concerns of traffic and parking, sidewalks and walking paths in the downtown area, historic zoning standards for infill development, and short-term vacation rentals.

Lynne McAlister, Chairman of the DNA, will be making the presentation again this year.

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

Staff recommends acknowledgement of the presentation.



File #: 21-03288

DATE: June 3, 2022
TO: Board of Mayor and Aldermen
FROM: Eric Stuckey, City Administrator
Lanaii Benne, City Recorder

SUBJECT:

Consideration Of Liquor License For Longpoint Wine And Spirits, LLC, DBA Longpoint Wine And Spirits, Owned By Darshan Patel (Managing Agent) 4000 Longpoint Way, Franklin, TN 37064.

PURPOSE:

The purpose of this memorandum is to provide information to the Franklin Board of Mayor and Aldermen (BOMA) concerning the Retail License application received for a new liquor store.

BACKGROUND/STAFF COMMENTS:

A retail liquor license certificate request has been received for the location at 4000 Longpoint Way, Longpoint Wine and Spirits. A City of Franklin Retail Certificate is required for the owners to obtain their Tennessee ABC license.

In accordance with policy, a background records check has been performed by the Franklin Police Department, and the Building and Neighborhood Services (BNS) Department has verified the location is properly zoned for this use. The applicants have successfully met all requirements for this certificate to be issued.

This will be the 18th certificate issued by the City of Franklin out of 27 available licenses. The municipal code allows for one retail liquor license per every 3,000 residents. The residential population is determined by the Federal census every 10 years. In 2021, the 2020 Federal census determined the municipal population to be 83,454. Therefore, the City of Franklin is currently allowed 27 retail liquor licenses. The number of licenses will next be reviewed when the 2030 Federal Census municipal population is confirmed.

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

Staff recommends that the Board of Mayor and Aldermen approve the retail liquor license for Longpoint Wine and Spirits.

ADMINISTRATION

Lanaii Y. Benne, MMC
City Recorder



Dr. Ken Moore
Mayor

Eric S. Stuckey
City Administrator

HISTORIC
FRANKLIN
TENNESSEE

RETAILER'S CERTIFICATE

Pursuant to T.C.A. §57-3-208, the City of Franklin hereby certifies the following facts concerning application in the name of Longpoint Wine and Spirits, LLC, D/B/A Longpoint Wine and Spirits, owned by Darshan Patel (managing agent), who has made application for a retailer's license to handle alcoholic beverages at 4000 Longpoint Way, Franklin, TN 37064, which is within the corporate limits of the City of Franklin, Williamson County, Tennessee:

1. The owner(s) who are to be in actual charge of the business have not been convicted of any violation of the laws against possession, sale, manufacture, or transportation of beer or other alcoholic beverages, or of any felony, or of any crime involving moral turpitude, within the past ten (10) years immediately preceding the date of application, and will not violate any of the provisions of Tennessee Code Annotated, Title 57, Chapter 3;
2. The applicant(s) has secured a location for the business which complies with all restrictions of local law, ordinances, or resolutions, duly adopted by the local authorities as to location.
3. The applicant has complied with local laws, ordinances, and resolutions duly adopted by the local authority regulating the number of retail licenses to be issued within the jurisdiction.

This, the 12th Day of July, 2022.

Dr. Ken Moore
Mayor



HISTORIC
FRANKLIN
TENNESSEE

June 9, 2022

Lanaii Benne, Assistant City Recorder
City of Franklin

Re: Longpoint Wine & Spirits
4000 Longpoint Way, Ste 460
Franklin, TN 37064

The above referenced business has made application to the City of Franklin for approval of a retail license to sell liquor.

The property is located in the Neighborhood Commercial (NC) Zoning district. Retail sales are permitted within the NC district. A liquor store is considered a retail sales use.

This structure is still under construction at this time. By the information and map provided by the applicant, the liquor store will not be located within 300 feet of any church, other liquor store, day care, school ground or college campus, nor will it be located within 200 feet of any public library or private residence. This distance is measured from the main entrance door of the structure to the nearest public entrance of the proposed retail liquor store, following the usual and customary path of pedestrian travel along streets and/or sidewalks. Should the plans and location of the suite change that would alter the entrance, a new review and determination would be required.

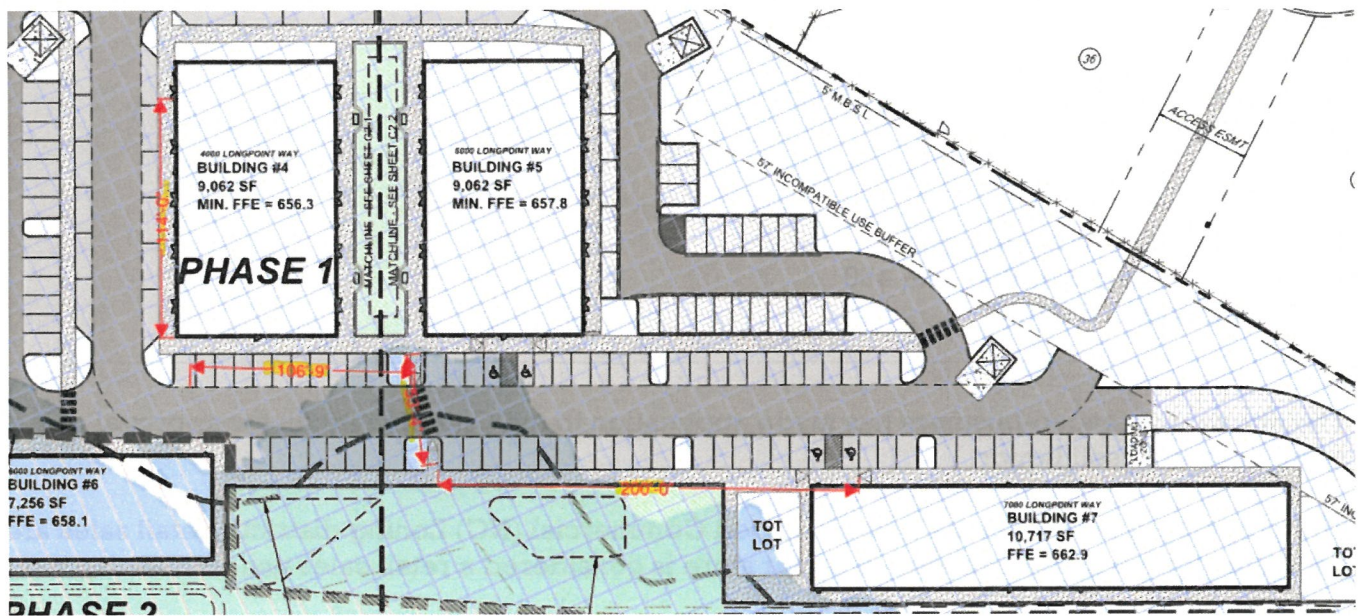
Enclosed is the plan that illustrates the location of the lot on which the structure should be built.

If you have questions or need additional assistance, please do not hesitate to contact me via phone at 615-550-6631 or by email at shanna.mccoy@FranklinTN.gov.

Respectfully,

A handwritten signature in dark ink that reads 'Shanna McCoy, CFM'. The signature is fluid and cursive.

Shanna McCoy, CFM
Zoning and Floodplain Administrator
City of Franklin, Tennessee





File #: 21-03277

DATE: June 16, 2022
TO: Board of Mayor and Aldermen
FROM: Paul Holzen, Director of Engineering
SUBJECT:

Consideration Of Resolution 2022-43, A Resolution Declaring Certain Right-of-Way Located Within The Fieldstone Farms HOA As Surplus.

PURPOSE:

The purpose of this memorandum is to provide information to the Franklin Board of Mayor and Aldermen (BOMA) concerning

BACKGROUND/STAFF COMMENTS:

On October 12th, 2021, the Board of Mayor and Aldermen approved Resolution 2021-157, "A resolution to accept and recommend approval of Amendment 5 to the Comprehensive Transportation Network Plan (Major Thoroughfare Plan) to the Franklin Municipal Planning commission". This resolution recommended the removal of Fieldstone Parkway (Spencer Creek Road to South Berry's Chapel Road) from the Comprehensive Transportation Network Plan. On 4/28/2022 the Franklin Municipal Planning Commission approved Resolution 2021-158, "A Resolution to adopt Amendment 5 to the Comprehensive Transportation Network Plan (Major Thoroughfare Plan)". This resolution ultimately removed Fieldstone Parkway (Spencer Creek Road to South Berry's Chapel Road) from the Comprehensive Transportation Network Plan. At this time, the right-of-way is no longer needed and should be dedicated to the Fieldstone Farms Homeowners Association.

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

Staff recommends that the Board of Mayor and Aldermen approve Resolution 2022-43.

RESOLUTION 2022-43

A RESOLUTION DECLARING CERTAIN RIGHT-OF-WAY LOCATED WITHIN THE FIELDSTONE FARMS HOA AS SURPLUS

WHEREAS, the Board of Mayor and Aldermen (BOMA) has determined that the existing unimproved right-of-way east of Fieldstone Farms section AA and west of Fieldstone Farms Section V, as shown on Exhibit A, is no longer necessary, suitable and desirable as public right-of-way; and

WHEREAS, because this right-of-way as shown in Exhibit A is no longer needed, the City now desires to declare the right-of-way as surplus property in order to sell or dispose of the property to the Fieldstone Farms Homeowner's Association; and

WHEREAS, the existing right-of-way would be considered a non-buildable lot and staff has determined the value to be less than \$75,000; and

WHEREAS, Municipal Code (Title 5; Sec. 5-802) allows for the BOMA to sell or dispose of surplus real property, including rights-of-way, by negotiated contract or by other means that will adequately protect the public interest when the value does not exceed \$75,000.

NOW THEREFORE, BE IT RESOLVED by the Board of Mayor and Aldermen of the City of Franklin, Tennessee, that the right-of-way as shown in attached Exhibit A is hereby declared surplus property.

BE IT FURTHER RESOLVED by the Board of Mayor and Aldermen that the right-of-way so declared as surplus shall be dedicated to the Fieldstone Farms Homeowner's Association as negotiated by the City Engineer and approved by the City Administrator with the following conditions:

- 1) Require a Public Utility, Access and Drainage Easement on 100% of the property be vacated.

IT IS SO RESOLVED AND DONE on this ____ day of _____, 2022.

ATTEST:

CITY OF FRANKLIN, TENNESSE

By:_____

ERIC S. STUCKEY
City Administrator

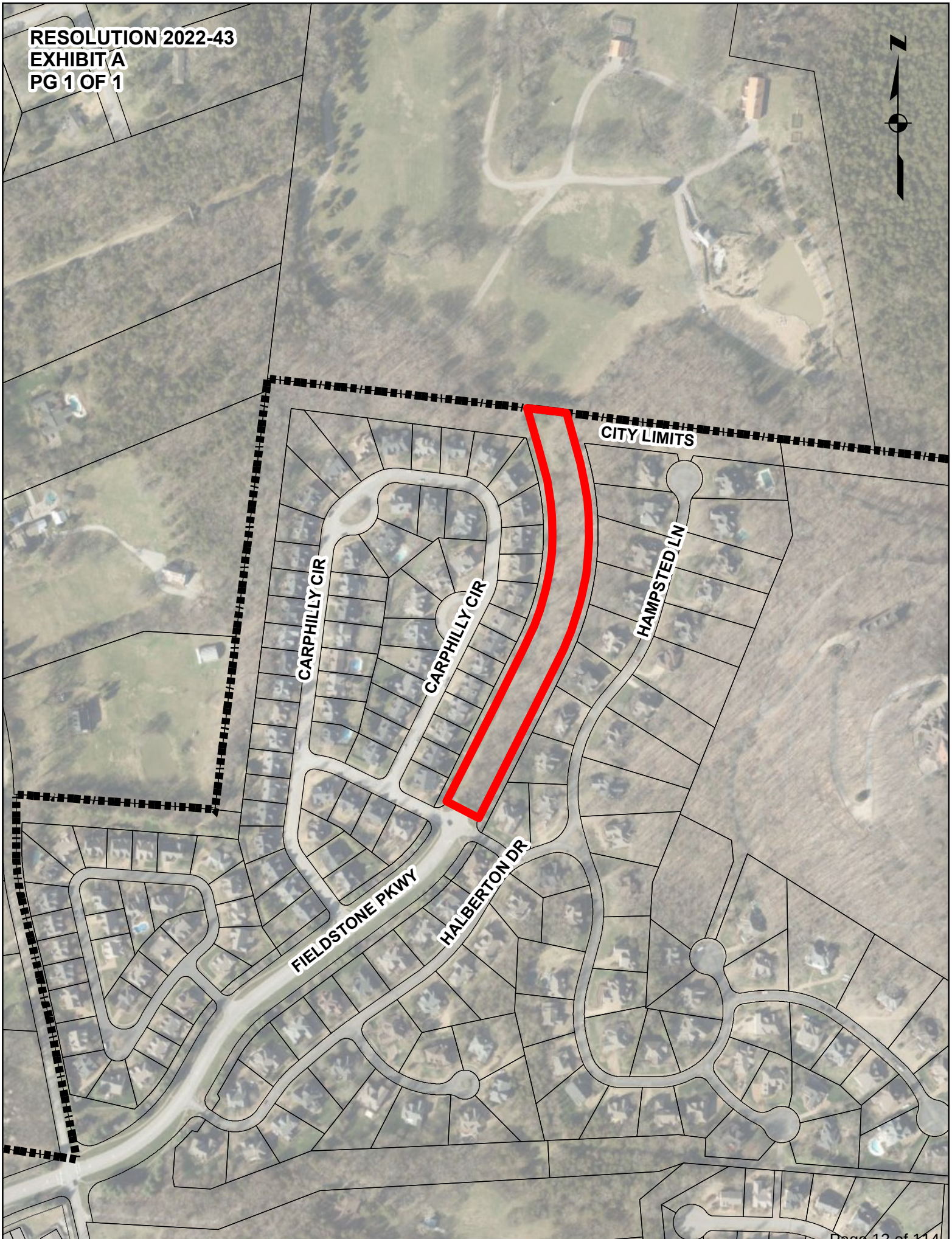
By:_____

DR. KEN MOORE
Mayor

Approved as to Form:

By:_____

William E. Squires
Assistant City Attorney





File #: 21-03135

DATE: June 9, 2022
TO: Board of Mayor and Aldermen
FROM: Emily Wright, Planning Director
Amy Diaz-Barriga, Planning Supervisor

SUBJECT:

Consideration Of Resolution 2022-30, A Resolution Amending Wood Duck Court PUD Subdivision To Extend The Vested Rights, For The Property Located East Of Carothers Parkway And South Of Murfreesboro Road (250 Rosa Helm Way, 2050 And 2051 Wood Duck Court). Establishing A Public Hearing For July 12, 2022.
FMPC 5/26/22, 8-0 Defer to 6/23/22

PURPOSE:

The purpose of this memorandum is to provide information to the Franklin Municipal Planning Commission (FMPC) and Board of Mayor and Aldermen (BOMA) concerning a vesting extension request for the Wood Duck Court PUD Subdivision.

BACKGROUND/STAFF COMMENTS:

VESTED PROPERTY RIGHTS INFORMATION

State Law establishes vested property rights. It states that a vested property right is established with the approval of an entitling document (in this case a Development Plan), and during a defined vesting period, the locally adopted development standards which are in effect on the date of approval shall remain the development standards applicable to that property during the vesting period.

The law describes the vesting period as beginning with a three-year time frame during which an applicant must secure final approval of the plan (in this case a site plan), secure any necessary permits, and begin site preparation. Should the project meet these three requirements, the vesting period is extended for an additional two years. Within these two years, an applicant must begin construction and maintain any necessary permits. If a project gets to this point, and begins construction on at least one building, the vesting period is extended for a total of 10 years for single-phase projects or 15 years for multi-phase projects. This 10-15 year time period is measured from the original approval date of the entitling document, which in this case is the date the BOMA approved the Development Plan.

THE REQUEST

The request is to extend the vesting period for three years, or until September 9, 2025, to allow the applicant to secure final approval of the plan (in this case a site plan), secure any necessary permits,

and begin site preparation.

APPROVAL HISTORY AND PROJECT DESCRIPTION

The development plan for the Wood Duck Court PUD was approved by BOMA on September 10, 2019. The plans include 237 multifamily units within 8 buildings. Heights for the buildings were listed as two to four stories. The project has one Modification of Standards, supported by staff and approved by BOMA, to reduce the parking requirement for 1-bedroom units from 1.50 spaces to 1.40 spaces. Due to the location of floodplain on the site, staff required a second point of access through the adjacent car dealership, for emergency purposes, and required that the access be recorded in a platted access easement. There is also a requirement to replace the bridge at Wood Duck Court, which was previously built below the Floodway.

CURRENT STATUS

This plan is within the first three-year period and is vested until September 9, 2022. The applicant has received approval of their CLOMR, but does not have approval of a site plan. A site plan is required to be approved and grading work completed before a LOMR is approved by FEMA and accepted by staff.

APPLICANT REQUEST

In their request letter, the developer cited ever-changing market conditions, the impacts from the COVID-19 pandemic, and the significant amount of coordination required with FEMA as reasons for the delays in progress.

VESTING IMPACTS

If the vesting period is not extended, the project entitlements would cease to exist, and stop work orders would be issued, if applicable. A new development would need to be approved and would be reviewed against the current local development standards. Since the vesting of this project, all six of the City's development standards associated with vesting have been updated. (For reference, these are: Zoning Ordinance; Subdivision Regulations; Transportation and Street Technical Standards; Stormwater BMP Manual; Technical Specifications for Utility Installation; and Municipal Code)

In reviewing the plan against these current City regulations, the current plan would not meet development standards and would need to be redesigned. This is one of the first vesting extension requests where the plan being considered would be impacted because of development standard changes. The biggest challenge this plan may have, if it is required to meet current development standards, is meeting the frontage requirements of the Zoning Ordinance. All new buildings would be required to face a public street, a private street, or an internal drive, and all parking not otherwise associated with the street/internal drive would be required to be completely behind the buildings. Parking could not be placed on the sides of buildings or in between buildings. Section 7.1.3 Lot Frontage regulates the orientation requirements of buildings, Section 7.2 Overview Of Frontage types regulates the applicable Frontage Type based on Base Zoning District and Building Type, and Section 7.6 Urban Frontage regulates parking locations. Frontage requirements help to codify Enivison Franklin's guiding principles of Vibrant Neighborhoods, Exceptional Design, and Connected Community. Reducing the type of parking in front of new buildings and orienting buildings along streets promotes the pedestrian experience in both aesthetics and safety, and relocating parking away from and behind building entrances promotes a resident-focused neighborhood rather than a vehicle-focused development with a series of residences sprinkled throughout parking lots. Frontage requirements would challenge this design to relocate parking within an already narrow site. The proposal took advantage of the hillside, by nestling some of the buildings into the topography. This orientation does not allow for parking to be placed to the rear of buildings. The density of site and/or the number of buildings proposed may not be able to be maintained as currently provided.

In terms of other development standards, the Modification of Standards for Parking Reduction may still be requested. This request was previously based on similar requests for parking reductions that the applicant had received on other sites within the City with similar development patterns. The plan currently complies with buffer requirements against the adjacent single-family subdivision to the east and provides a larger vegetative buffer than would be required today. Lastly, staff would still require the bridge replacement for any project on this site and would most likely require a second emergency access point, continuing the necessary coordination with FEMA.

The Planning Commission and the Board of Mayor and Aldermen must decide if approving the vesting extension is in the best interest of the community. Should the request for vesting extension be denied, the applicant may continue to work towards meeting the first vesting milestone prior to their vesting expiring.

FINANCIAL IMPACT:

Unknown.

RECOMMENDATION:

Staff recommends that BOMA approve Resolution 2022-30 if they determine that the continuation of vested rights is in the best interest of the community. Due to the existing environmental constraints and the longer, narrow shape of the site, application of the new development standards would have a significant impact on the overall site and require the site to be redesigned.

RESOLUTION 2022-30

A RESOLUTION AMENDING WOOD DUCK COURT PUD SUBDIVISION TO EXTEND THE VESTED RIGHTS, FOR THE PROPERTY LOCATED EAST OF CAROTHERS PARKWAY AND SOUTH OF MURFREESBORO ROAD (250 ROSA HELM WAY, 2050 AND 2051 WOOD DUCK COURT).

WHEREAS, the Board of Mayor and Aldermen (BOMA) of the City of Franklin, Tennessee, has approved the zoning for the property as part of Ordinance 2019-20; and

WHEREAS, BOMA, has approved the Planned Unit Development for the property as part of Resolution 2019-56; and

WHEREAS, in accordance with the provisions of the City of Franklin, Tennessee, Zoning Ordinance, and as required by *Tennessee Code Annotated* § 13-4-310, as amended, the approval of the Development Plan by the BOMA initiates a vesting period during which the development standards adopted by the City and in effect on the date of approval; and

WHEREAS, *Tennessee Code Annotated* § 13-4-310 (d) (1) states that the vesting period applicable to a development plan shall be a period of three (3) years, beginning on the date of the local government's approval of the preliminary development plan; provided, that the applicant obtains local government approval of a final development plan, secures any necessary permits and commences site preparation within the vesting period; and

WHEREAS, the Madison PUD vesting period began on September 10, 2019, is set to expire on September 9, 2022, and the applicant has not obtained approval of a final development plan, secured any permits, or commenced site preparation; and

WHEREAS, *Tennessee Code Annotated* § 13-4-310 (h) states that an amendment to an approved development plan by the developer must be approved by the local government to retain the protections of the vested property right, and a vested property right shall not terminate if the local government determines, in writing, that it is in the best interest of the community to allow the development to proceed under the amended plan without terminating the vested property right; and

WHEREAS, the Franklin Zoning Ordinance § 2.4.2 (16) states that upon the expiration of a vesting period for a Development Plan, construction may not proceed unless a new Development Plan is approved by the BOMA that meets all development standards in effect at the time of approval for portions of the project not already constructed or under construction or, alternatively, the BOMA may grant an extension of the vesting period if it determines, in writing, that it is in the best interest of the community to allow the development to proceed without terminating the vested property right; and

WHEREAS, the applicant has requested an extension of the first vesting milestone for three years, or until September 9, 2025, to obtain approval of a final development plan, secured any permits, or commenced site preparation.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, TENNESSEE, AS FOLLOWS:

SECTION I. That the legal description of the property included in the Development Plan is as follows:

PREMISES CONSIDERED	
Map-Parcel	Acres
079---07705	4.26
079---09502	7.32
079---06505	9.32
Total	20.90

SECTION II. That the attached Location Map (Exhibit A) shall serve the purpose of further delineating the geographical boundaries as described by this Resolution.

SECTION III. That the overall entitlements for Wood Duck Court PUD Subdivision, as outlined below and through Exhibit B, are as follows:

Entitlements	Wood Duck Court PUD
Base Zone District	Planned District (PD 11.34)
Character Area Overlay	MECO-5
Other Zoning Overlays	HHO buffer, FFO, FWO
Development Standard	Conventional
Number of Dwelling Units	237
Number of Nonresidential Square Footage	n/a
Number of Hotel Rooms	n/a
Connectivity Index	n/a
Open Space Requirements	46,971 SF Formal 621,202 SF Informal
Number of Phases in Development	1

SECTION IV: That the following Modification of Development Standards (MOS) was requested and acted upon by the Board of Mayor and Aldermen after review and recommendation by the Franklin Municipal Planning Commission:

MOS 1: Reduce Parking Requirements for 1-Bedroom Units to 1.40 spaces per unit.	Table 5-9: Minimum Off-Street Parking Standards. For Attached Dwellings, 0-1 BR units require 1.50 spaces per unit.
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Approved: __x__	<i>Staff recommended approval.</i>
Denied: _____	

SECTION V. That the original vesting period was initiated on September 10, 2019, and was set to expire on September 9, 2022. The initial vesting period is extended for three years until September 9, 2025. The amended development plan will now have until September 9, 2025, to obtained approval of a final development plan, secured any permits, or commenced site preparation.

SECTION VI. That should the development plan obtained approval of a final development plan, secured any permits, or commenced site preparation within the extended timeframe listed in Section IV, the amended development plan will be granted two years from the extended date listed in Section IV to secure any necessary permits and commence construction.

SECTION VII. That the total vesting period of ten (10) years shall not be extended. If construction commences during the approved timeframe above, the development standards applicable during the vesting period shall remain in effect until the local government has certified final completion of the development or project; provided, the total vesting period for the project shall not exceed ten (10) years from the date of the original approval of the preliminary development plan (September 10, 2019) and shall remain at September 9, 2029.

SECTION VIII. That the original Development Plan, the exhibits accompanying the original Development Plan, and all conditions and restrictions placed upon the original Development Plan by the Franklin Municipal Planning Commission and this Board shall be made a part of this Resolution as though copied verbatim herein, and that a permanent record of the Development Plan, the exhibits accompanying the Development Plan, and all such conditions and restrictions shall be kept in the Franklin Planning and Sustainability Department.

SECTION IX. BE IT FINALLY ORDAINED by the Board of Mayor and Aldermen of the City of Franklin, Tennessee, that this Resolution shall take effect from and after its passage on final reading, the health, safety, and welfare of the citizens requiring it.

ATTEST:

CITY OF FRANKLIN, TENNESSEE:

Eric S. Stuckey
City Administrator

Dr. Ken Moore
Mayor

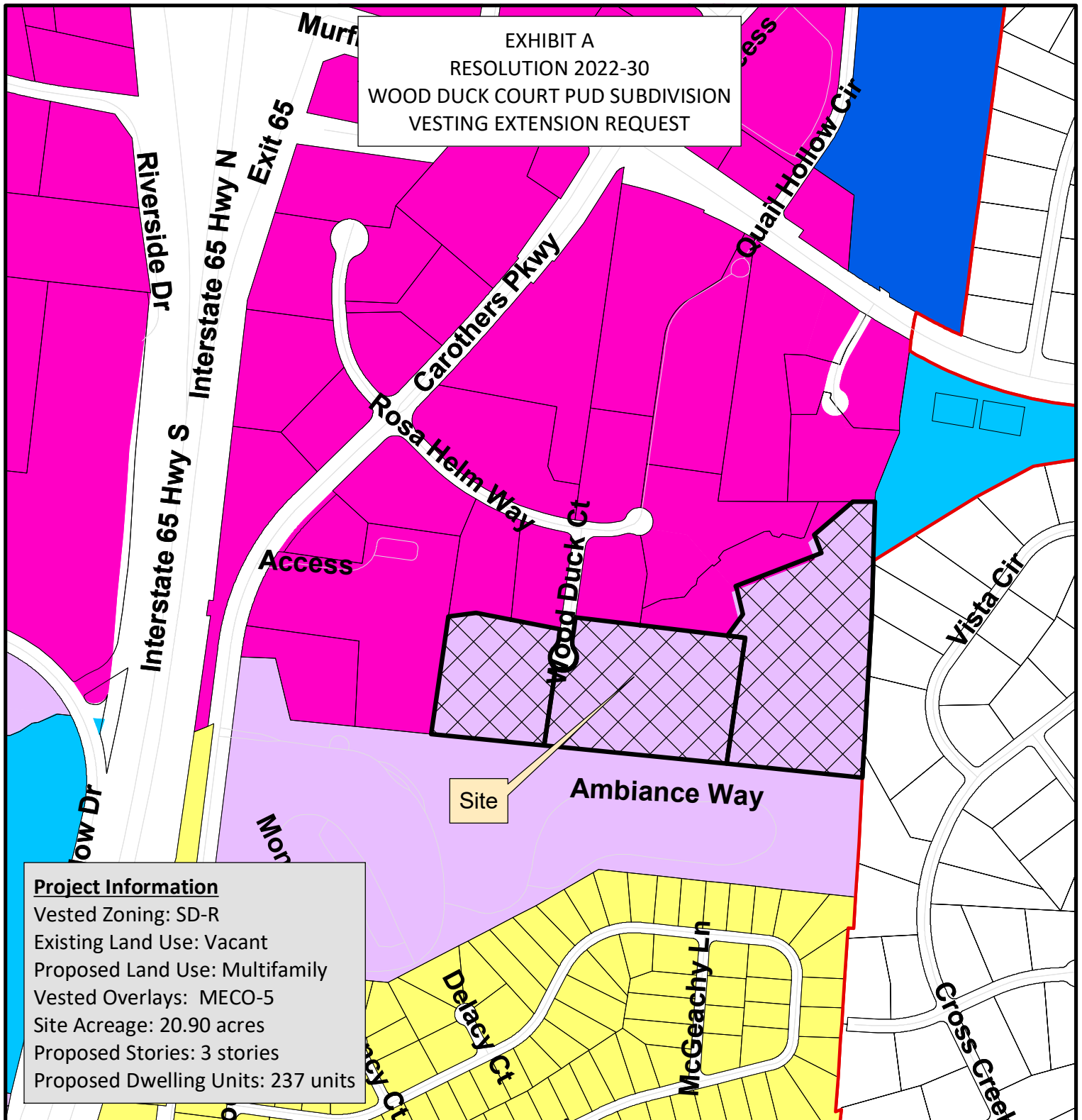
Approved as to form by:

Shauna R. Billingsley
City Attorney

PLANNING COMMISSION RECOMMENDED:

PUBLIC HEARING HELD:

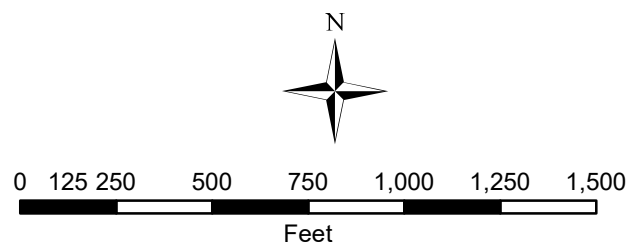
EXHIBIT A
RESOLUTION 2022-30
WOOD DUCK COURT PUD SUBDIVISION
VESTING EXTENSION REQUEST



Project Information

Vested Zoning: SD-R
Existing Land Use: Vacant
Proposed Land Use: Multifamily
Vested Overlays: MECO-5
Site Acreage: 20.90 acres
Proposed Stories: 3 stories
Proposed Dwelling Units: 237 units

- | | |
|--------------------------------|------------------------------------|
| Site | CI Civic Institutional District |
| AG Agricultural District | NC Neighborhood Commercial |
| ER Estate Residential District | CC Central Commercial District |
| R1 Residential 1 District | DD Downtown District |
| R2 Residential 2 District | 1ST Avenue District |
| R3 Residential 3 District | 5TH Avenue District |
| R4 Residential 4 District | RC6 Regional Commerce 6 District |
| R6 Residential 6 District | RC12 Regional Commerce 12 District |
| MR Mixed Residential District | GO General Office District |
| PD Planned District | LI Light Industrial District |
| OR Office Residential District | HI Heavy Industrial District |



This map was created by the Franklin Planning Department.
It was compiled from the most authentic information available.
The City is not responsible for any errors or omissions contained hereon.
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SITE DATA CHART

PROJECT NAME: WOOD DUCK COURT
PROJECT #: 6992
ADDRESS: WOOD DUCK COURT
CITY: FRANKLIN
COUNTY: WILLIAMSON
STATE: TENNESSEE
CIVIL DISTRICT: 9
EXISTING ZONING: GC
PROPOSED ZONING: SD-R (11.34)
EXISTING CHARACTER AREA: MECO-5
OTHER APPLICABLE OVERLAYS: FFO, FWO, HHO BUFFER
APPLICABLE DEVELOPMENT STANDARD: EITHER (CONVENTIONAL APPLIED)
ACREAGE OF SITE: 20.90 AC
SQUARE FOOTAGE OF SITE: 910,519 SF
MINIMUM SETBACKS: FRONT: 20'
SIDE: 10'
REAR: 20'
OWNERS: 079--07705 & 079--06505
WALKER FAMILY PARTNERS
079--06502
WILLIAM H. WALKER
APPLICANT: GAMBLE DESIGN COLLABORATIVE
ADDRESS: 324 LIBERTY PIKE
SUITE 145
PHONE: (615) 975-5765
EMAIL: greg.gamble@gdc-tn.com
CONTACT: GREG GAMBLE

TOTAL UNITS: 237 (ALL ATTACHED)
1 BR - 149
2 BR - 88
BUILDING SQUARE FOOTAGE: 214,481 SF
BUILDING HEIGHT: 2-4 STORIES
REQUIRED LSR: 0.2
PROVIDED LSR: 0.75
*MINIMUM PARKING REQUIREMENT: 1.5 / 1BR: 224
2.5 / 2 BR: 220
TOTAL: 444
MAXIMUM PARKING LIMIT: 489
EXISTING PARKING: N/A
PROVIDED PARKING: 429
RESIDENTIAL DENSITY: 11.34 D.U.A.
PARKLAND DEDICATION: \$1,020,048 (APPLICANT TO PAY FEE IN LIEU)

REQUESTED MODIFICATIONS OF STANDARDS
WOOD DUCK COURT PUD SUBDIVISION

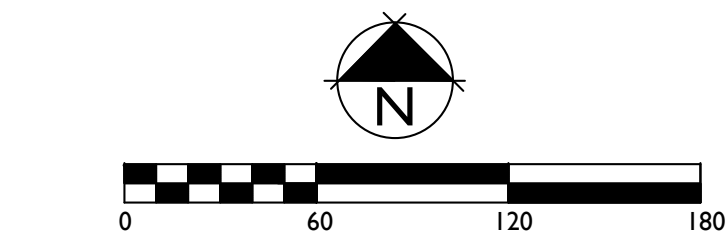
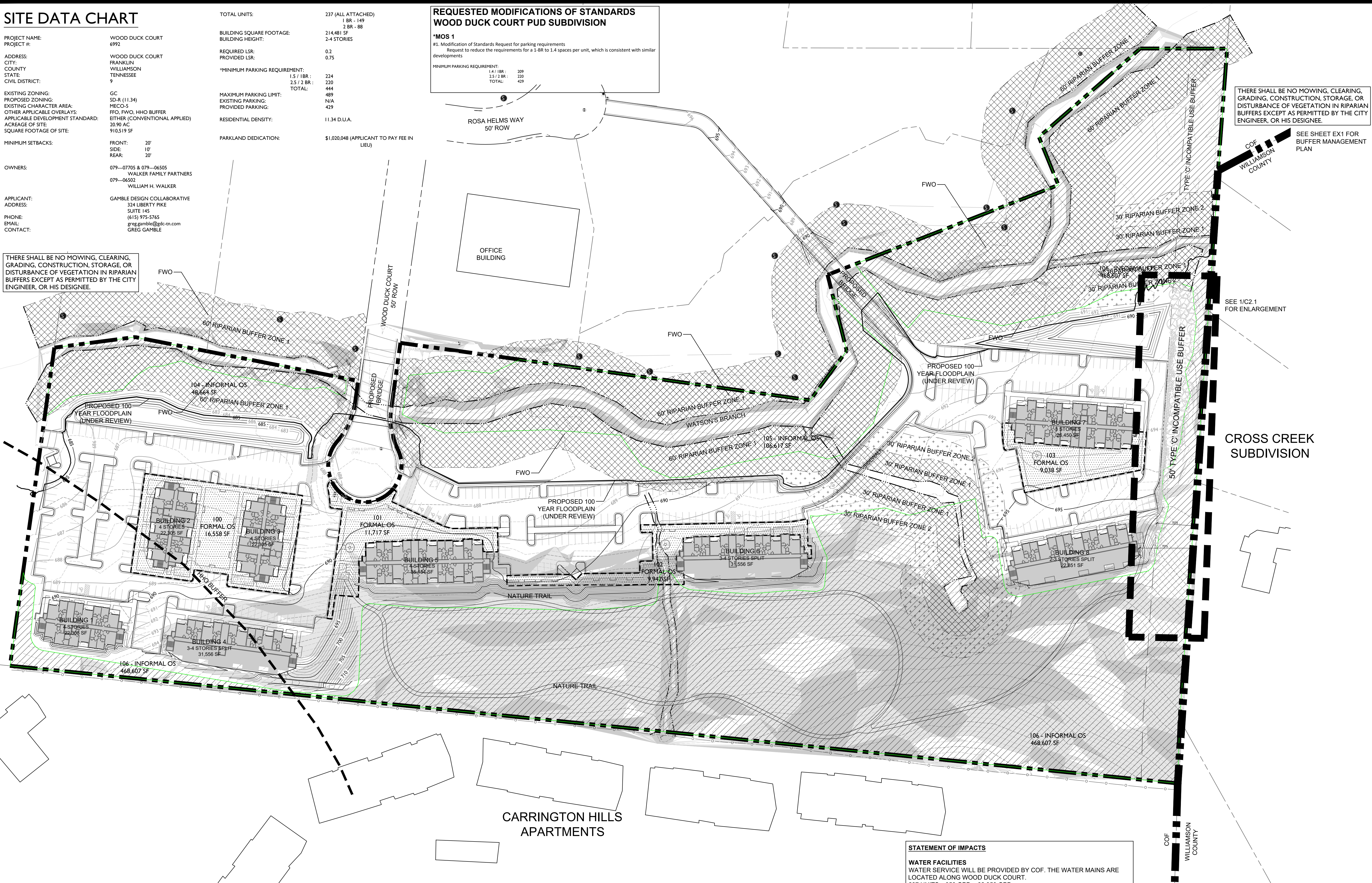
*MOS 1
#1. Modification of Standards Request for parking requirements
Request to reduce the requirements for a 1-BR to 1.4 spaces per unit, which is consistent with similar developments
MINIMUM PARKING REQUIREMENT: 1.4 / 1BR: 209
2.5 / 2 BR: 220
TOTAL: 429

THERE SHALL BE NO MOWING, CLEARING, GRADING, CONSTRUCTION, STORAGE, OR DISTURBANCE OF VEGETATION IN RIPARIAN BUFFERS EXCEPT AS PERMITTED BY THE CITY ENGINEER, OR HIS DESIGNEE.

THERE SHALL BE NO MOWING, CLEARING, GRADING, CONSTRUCTION, STORAGE, OR DISTURBANCE OF VEGETATION IN RIPARIAN BUFFERS EXCEPT AS PERMITTED BY THE CITY ENGINEER, OR HIS DESIGNEE.

SEE SHEET EX1 FOR BUFFER MANAGEMENT PLAN

SEE 1/C2.1 FOR ENLARGEMENT



KEY

- PRESERVED CANOPY
- RIPARIAN ZONE 'A'
- RIPARIAN ZONE 'B'
- SLOPES - 14 - 20%
- SLOPES - 20% +
- FORMAL OPEN SPACE

OPEN SPACE REQUIREMENT

MINIMUM OPEN SPACE REQUIREMENT: 15%
REQUIRED: 15% TOTAL = 136,577 SF
34% FORMAL = 46,436 SF
66% INFORMAL = 90,141 SF
PROVIDED: 668,816 SF TOTAL (74%)
FORMAL = 47,253 SF
INFORMAL = 623,888 SF

LOT	CLASSIFICATION	TYPE	AREA (SF)
100	FORMAL	ACTIVE RECREATIONAL AREA	16,558
101	FORMAL	ACTIVE RECREATIONAL AREA	11,717
102	FORMAL	ACTIVE RECREATIONAL AREA	9,942
103	FORMAL	ACTIVE RECREATIONAL AREA	9,038
104	INFORMAL	STORMWATER / RIPARIAN AREA	48,664
105	INFORMAL	STORMWATER / RIPARIAN AREA	106,617
106	INFORMAL	NATURE TRAIL / FORESTED AREA	468,607

TREE CANOPY RETENTION

OVERALL SITE AREA = 910,519 SF (20.90 AC)
EXISTING TREE CANOPY: 637,972 SF (14.65 AC)
PRESERVED TREE CANOPY: 454,867 SF (10.44 AC)
TREE CANOPY DATA:
TOTAL EXISTING TREE CANOPY: 637,972 SF: 14.65 AC (70% OF SITE)
REQUIRED CANOPY PRESERVATION: 38% (229,670 SF; 5.27 AC)
PROVIDED CANOPY PRESERVATION: 454,867 SF; 10.44 AC (198% OF REQUIRED)

STATEMENT OF IMPACTS

WATER FACILITIES
WATER SERVICE WILL BE PROVIDED BY COF. THE WATER MAINS ARE LOCATED ALONG WOOD DUCK COURT.
237 UNITS x 350 GPD = 82,950 GPD
SEWER FACILITIES
SEWER SERVICE WILL BE PROVIDED BY THE CITY OF FRANKLIN.
REPURIFIED (REUSE) WATER FACILITIES
NOT AVAILABLE TO THIS SITE.
POLICE, FIRE, AND RECREATIONAL FACILITIES
NEAREST POLICE STATION: 3.7 MI (FRANKLIN POLICE DEPARTMENT)
NEAREST FIRE STATION: 1.9 MI (FRANKLIN FIRE DEPARTMENT)
NEAREST RECREATIONAL FACILITY: 3.9 MI (TRINITY PARK)
PROJECTED STUDENT POPULATION
237 x 0.64 = 152 STUDENTS
REFUSE STORAGE AND SANITATION COLLECTION FACILITIES
REFUSE COLLECTION FOR THE DEVELOPMENT SHALL BE PROVIDED BY COF



GAMBLE
DESIGN COLLABORATIVE
DEVELOPMENT PLANNING AND
LANDSCAPE ARCHITECTURE

WOOD DUCK COURT PUD SUBDIVISION
DEVELOPMENT PLAN
Franklin, Williamson County, Tennessee



Revision Date
△
△
△
△
△

DEVELOPMENT
PLAN

SHEET
C2.0

COF 6992



BUILD.
UPLIFT.
RESTORE.

April 8, 2022

Dear Amy Diaz-Barriga, Emily Wright, Aldermen and Mayor Moore:

Community Housing Partnership respectfully requests an extension of the Vesting Rights for Wood Duck Court PUD Subdivision Development Plan. The PUD was approved by the Board of Mayor and Aldermen in September of 2020, and per Tennessee Code Annotated 13-4-31, the vesting of the entitlements are set to expire on September 9, 2022.

CHP is requesting an extension of the 1st Development Plan milestone for a period of three years, whereby the property owner/developer must obtain approval of a site plan, obtain approval of a necessary permit, and commence site preparation.

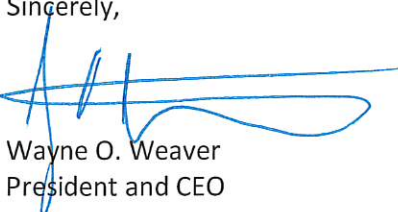
CHP is requesting an extension of the first vesting period to September 9, 2025 to meet the 1st milestone.

Our reasons for the extension request include:

1. The development of the property has been delayed by rising construction costs and pandemic restrictions.
2. The development of the property requires significant coordination with FEMA and the City of Franklin regarding the replacement of a bridge previously built below the Floodway.
3. The need in our community for affordable housing is greater than ever.

We appreciate your thoughtful consideration of our request for extension.

Sincerely,



Wayne O. Weaver
President and CEO



Phone.
615.790.5556

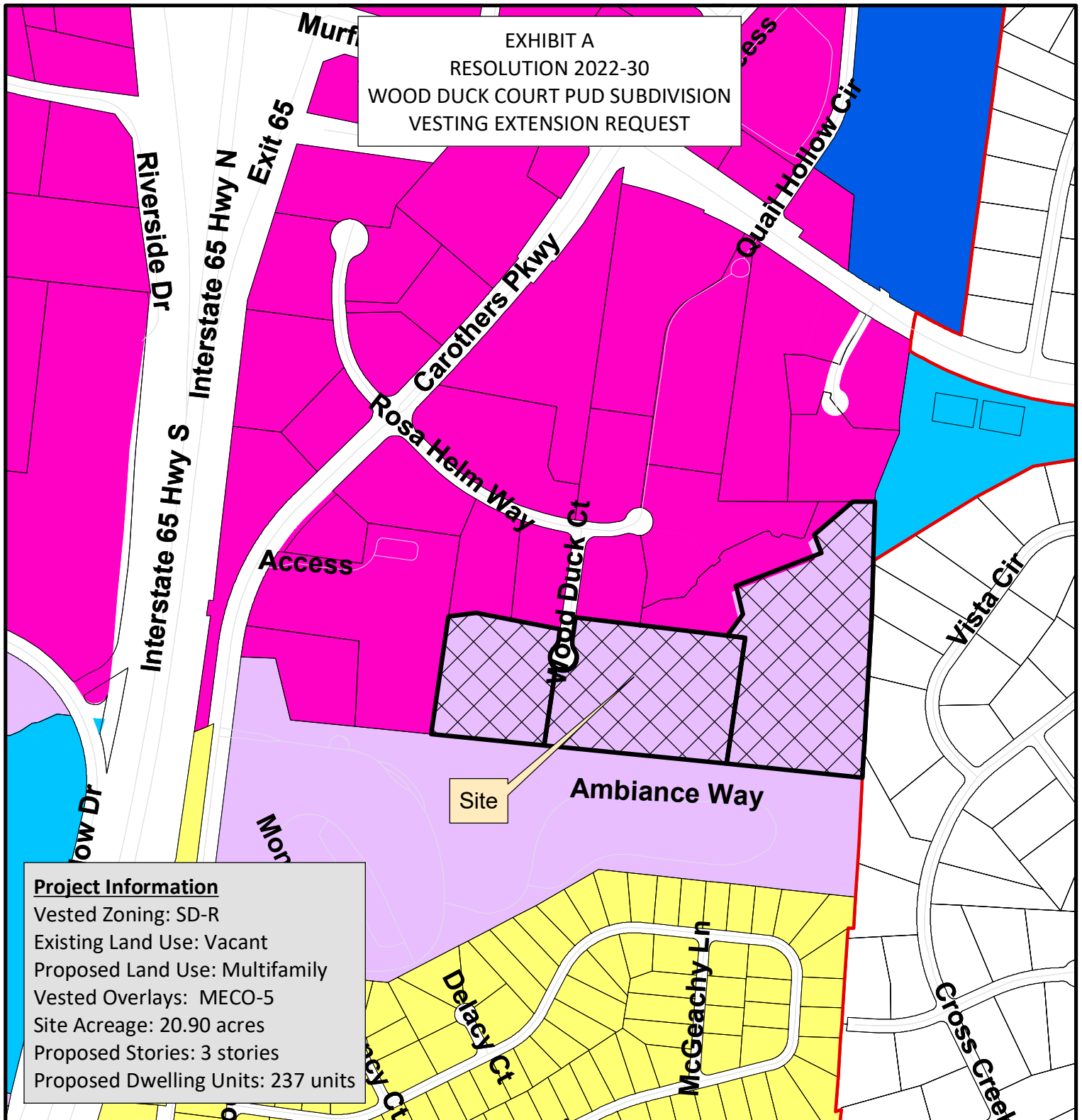


Website.
www.chpwc.org



Address.
129 W. Fowlkes St, Ste 124
Franklin, TN 37064

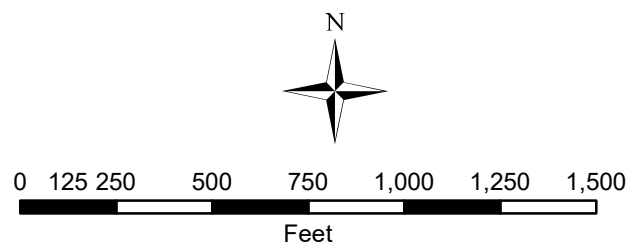
EXHIBIT A
RESOLUTION 2022-30
WOOD DUCK COURT PUD SUBDIVISION
VESTING EXTENSION REQUEST



Project Information

Vested Zoning: SD-R
Existing Land Use: Vacant
Proposed Land Use: Multifamily
Vested Overlays: MECO-5
Site Acreage: 20.90 acres
Proposed Stories: 3 stories
Proposed Dwelling Units: 237 units

Site	CI Civic Institutional District
AG Agricultural District	NC Neighborhood Commercial
ER Estate Residential District	CC Central Commercial District
R1 Residential 1 District	DD Downtown District
R2 Residential 2 District	1ST Avenue District
R3 Residential 3 District	5TH Avenue District
R4 Residential 4 District	RC6 Regional Commerce 6 District
R6 Residential 6 District	RC12 Regional Commerce 12 District
MR Mixed Residential District	GO General Office District
PD Planned District	LI Light Industrial District
OR Office Residential District	HI Heavy Industrial District



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It was compiled from the most authentic information available.
The City is not responsible for any errors or omissions contained hereon.
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SITE DATA CHART

PROJECT NAME: WOOD DUCK COURT
PROJECT #: 6992
ADDRESS: WOOD DUCK COURT
CITY: FRANKLIN
COUNTY: WILLIAMSON
STATE: TENNESSEE
CIVIL DISTRICT: 9
EXISTING ZONING: GC
PROPOSED ZONING: SD-R (11.34)
EXISTING CHARACTER AREA: MECO-5
OTHER APPLICABLE OVERLAYS: FFO, FWO, HHO BUFFER
APPLICABLE DEVELOPMENT STANDARD: EITHER (CONVENTIONAL APPLIED)
ACREAGE OF SITE: 20.90 AC
SQUARE FOOTAGE OF SITE: 910,519 SF
MINIMUM SETBACKS: FRONT: 20'
SIDE: 10'
REAR: 20'
OWNERS: 079--07705 & 079--06505
WALKER FAMILY PARTNERS
079--06502
WILLIAM H. WALKER
APPLICANT: GAMBLE DESIGN COLLABORATIVE
ADDRESS: 324 LIBERTY PIKE
SUITE 145
PHONE: (615) 975-5765
EMAIL: greg.gamble@gdc-tn.com
CONTACT: GREG GAMBLE

TOTAL UNITS: 237 (ALL ATTACHED)
1 BR - 149
2 BR - 88
BUILDING SQUARE FOOTAGE: 214,481 SF
BUILDING HEIGHT: 2-4 STORIES
REQUIRED LSR: 0.2
PROVIDED LSR: 0.75
*MINIMUM PARKING REQUIREMENT: 1.5 / 1BR: 224
2.5 / 2 BR: 220
TOTAL: 444
MAXIMUM PARKING LIMIT: 489
EXISTING PARKING: N/A
PROVIDED PARKING: 429
RESIDENTIAL DENSITY: 11.34 D.U.A.
PARKLAND DEDICATION: \$1,020,048 (APPLICANT TO PAY FEE IN LIEU)

REQUESTED MODIFICATIONS OF STANDARDS
WOOD DUCK COURT PUD SUBDIVISION

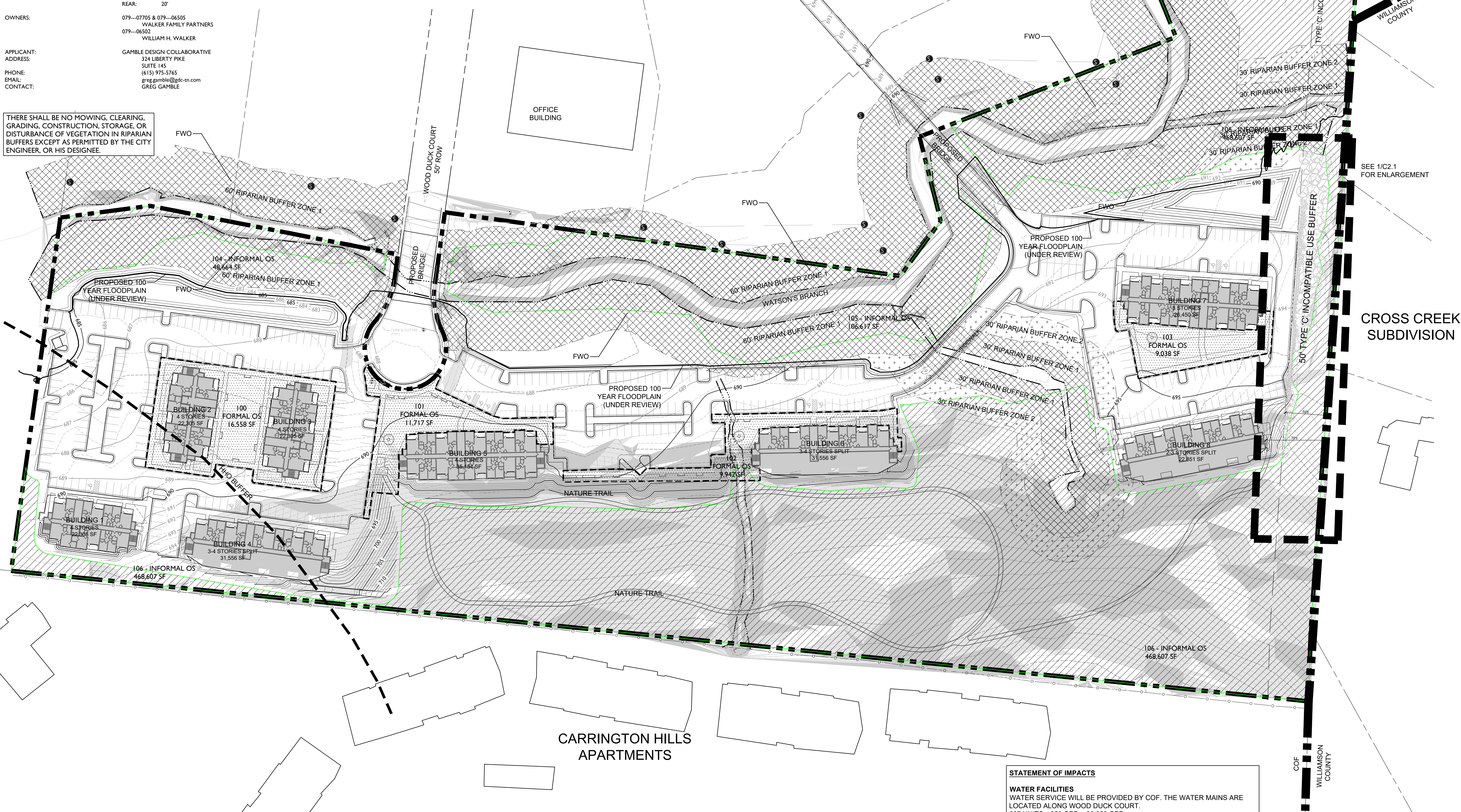
*MOS 1
#1. Modification of Standards Request for parking requirements
Request to reduce the requirements for a 1-BR to 1.4 spaces per unit, which is consistent with similar developments
MINIMUM PARKING REQUIREMENT: 1.4 / 1BR: 209
2.5 / 2 BR: 220
TOTAL: 429

THERE SHALL BE NO MOWING, CLEARING, GRADING, CONSTRUCTION, STORAGE, OR DISTURBANCE OF VEGETATION IN RIPARIAN BUFFERS EXCEPT AS PERMITTED BY THE CITY ENGINEER, OR HIS DESIGNEE.

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SEE SHEET EX1 FOR BUFFER MANAGEMENT PLAN

SEE 1/C2.1 FOR ENLARGEMENT



- KEY**
- PRESERVED CANOPY
 - RIPARIAN ZONE 'A'
 - RIPARIAN ZONE 'B'
 - SLOPES - 14 - 20%
 - SLOPES - 20% +
 - FORMAL OPEN SPACE

OPEN SPACE REQUIREMENT

MINIMUM OPEN SPACE REQUIREMENT: 15%
REQUIRED: 15% TOTAL = 136,577 SF
34% FORMAL = 46,436 SF
66% INFORMAL = 90,141 SF
PROVIDED: 668,816 SF TOTAL (74%)
FORMAL = 47,253 SF
INFORMAL = 623,888 SF

LOT	CLASSIFICATION	TYPE	AREA (SF)
100	FORMAL	ACTIVE RECREATIONAL AREA	16,558
101	FORMAL	ACTIVE RECREATIONAL AREA	11,717
102	FORMAL	ACTIVE RECREATIONAL AREA	9,942
103	FORMAL	ACTIVE RECREATIONAL AREA	9,038
104	INFORMAL	STORMWATER / RIPARIAN AREA	48,664
105	INFORMAL	STORMWATER / RIPARIAN AREA	106,617
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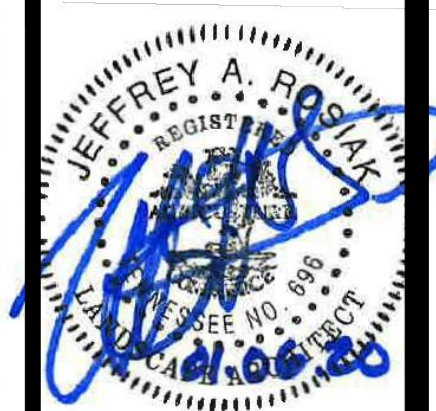
PROJECTED STUDENT POPULATION
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REFUSE COLLECTION FOR THE DEVELOPMENT SHALL BE PROVIDED BY COF



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DESIGN COLLABORATIVE
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WOOD DUCK COURT PUD SUBDIVISION
DEVELOPMENT PLAN
Franklin, Williamson County, Tennessee



Revision Date
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DEVELOPMENT
PLAN

SHEET
C2.0

COF 6992

RESOLUTION 2019-56

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR WOOD DUCK COURT PUD SUBDIVISION WITH 1 MODIFICATION OF DEVELOPMENT STANDARDS (PARKING REQUIREMENTS) FOR THE PROPERTY LOCATED EAST OF CAROTHERS PARKWAY AND SOUTH OF MURFREESBORO ROAD (250 ROSA HELM WAY, 2050 AND 2051 WOOD DUCK COURT).

WHEREAS, the Board of Mayor and Aldermen (BOMA) of the City of Franklin, Tennessee, has, or will, approve the zoning for the property as part of Ordinance 2019-20; and

WHEREAS, the Planned Unit Development (PUD) process is a review procedure that is intended to encourage innovative land planning and design and avoid the monotony sometimes associated with large developments by:

- (a) Reducing or eliminating the inflexibility that sometimes results from strict application of zoning standards that were designed primarily for individual lots;
- (b) Allowing greater freedom in selecting the means to provide access, light, open space, and design amenities;
- (c) Encouraging a sensitive design that respects the surrounding established land use character and natural or man-made features of the site including, but not limited to, trees, historic features, streams, hillsides, and floodplains;
- (d) Promoting quality design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations, and land uses; and
- (e) Allowing deviations from certain zoning standards that would otherwise apply if not contrary to the general spirit and intent of this ordinance; and

WHEREAS, the PUD process requires the approval of a Development Plan that is reviewed and approved by BOMA, after a public hearing and a recommendation by the Franklin Municipal Planning Commission; and

WHEREAS, in accordance with the provisions of the City of Franklin, Tennessee, Zoning Ordinance, and as required by *Tennessee Code Annotated* § 13-4-310, as amended, the approval of the Development Plan by the BOMA will initiate a vesting period during which the development standards adopted by the City and in effect on the date of approval shall remain the standards applicable to the approved Development Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, TENNESSEE, AS FOLLOWS:

SECTION I. That the legal description of the property included in the Development Plan is as follows:

PREMISES CONSIDERED	
Map-Parcel	Acres
079---07705	4.26
079---06502	7.32
079---06505	9.32
Total	20.90

SECTION II. That the attached Location Map and Survey shall serve the purpose of further delineating the geographical boundaries as described by this Resolution.

SECTION III. That the overall entitlements for the Wood Duck Court PUD Subdivision are as follows:

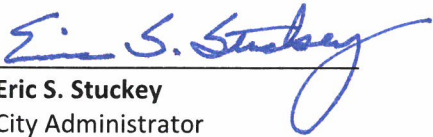
Entitlements	Wood Duck Court PUD
Base Zone District	Specific Development-Residential (SD-R 11.34)
Character Area Overlay	MECO-5
Other Zoning Overlays	HHO Buffer, FFO, FWO
Development Standard	Conventional
Number of Dwelling Units	237
Number of Nonresidential Square Footage	n/a
Number of Hotel Rooms	n/a
Connectivity Index	n/a
Open Space Requirements	Formal: 46,971 SF Informal: 621,202 SF
Number of Phases in Development	1

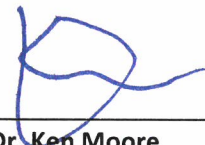
SECTION IV. That the Development Plan, the exhibits accompanying the Development Plan, and all conditions and restrictions placed upon the Development Plan by the Franklin Municipal Planning Commission and this Board shall be made a part of this Resolution as though copied verbatim herein, and that a permanent record of the Development Plan, the exhibits accompanying the Development Plan, and all such conditions and restrictions shall be kept in the Franklin Planning and Sustainability Department.

SECTION V. That the following Modifications of Development Standards (MOS) were requested and acted upon by the Board of Mayor and Aldermen, after review and recommendation by the Franklin Municipal Planning Commission:

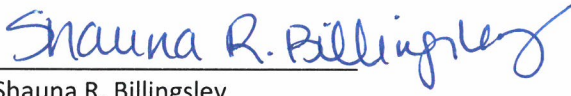
MOS 1: Parking Requirements for 1-Bedroom Units Approved: <u> X </u> Denied: <u> </u>	Table 5-9: Minimum Off-Street Parking Standards. For Detached Dwellings, 0-1 BR units require 1.50 spaces per unit. Request to provide 1.40 spaces per unit. <i>Staff recommended approval.</i>
---	--

SECTION VI. That this Resolution shall take effect from and after the passage of Ordinance 2019-20, on third and final reading, the health, safety, and welfare of the citizens requiring it.


Eric S. Stuckey
City Administrator


Dr. Ken Moore
Mayor

Approved as to form by:


Shauna R. Billingsley
City Attorney

PREAPPLICATION CONFERENCE:

5/7/19

BOMA/FMPC JOINT CONCEPTUAL WORKSHOP:

5/23/19

NEIGHBORHOOD MEETING:

5/7/19

PLANNING COMMISSION RECOMMENDED APPROVAL:

7/25/19 10-0

PUBLIC HEARING AND BOMA APPROVAL:

9/10/19 8-0

WOOD DUCK COURT PUD SUBDIVISION
 RESOLUTION 2019-56
 ORDINANCE 2019-20
 FRANKLIN MUNICIPAL PLANNING COMMISSION
 06/27/2019

Project Information

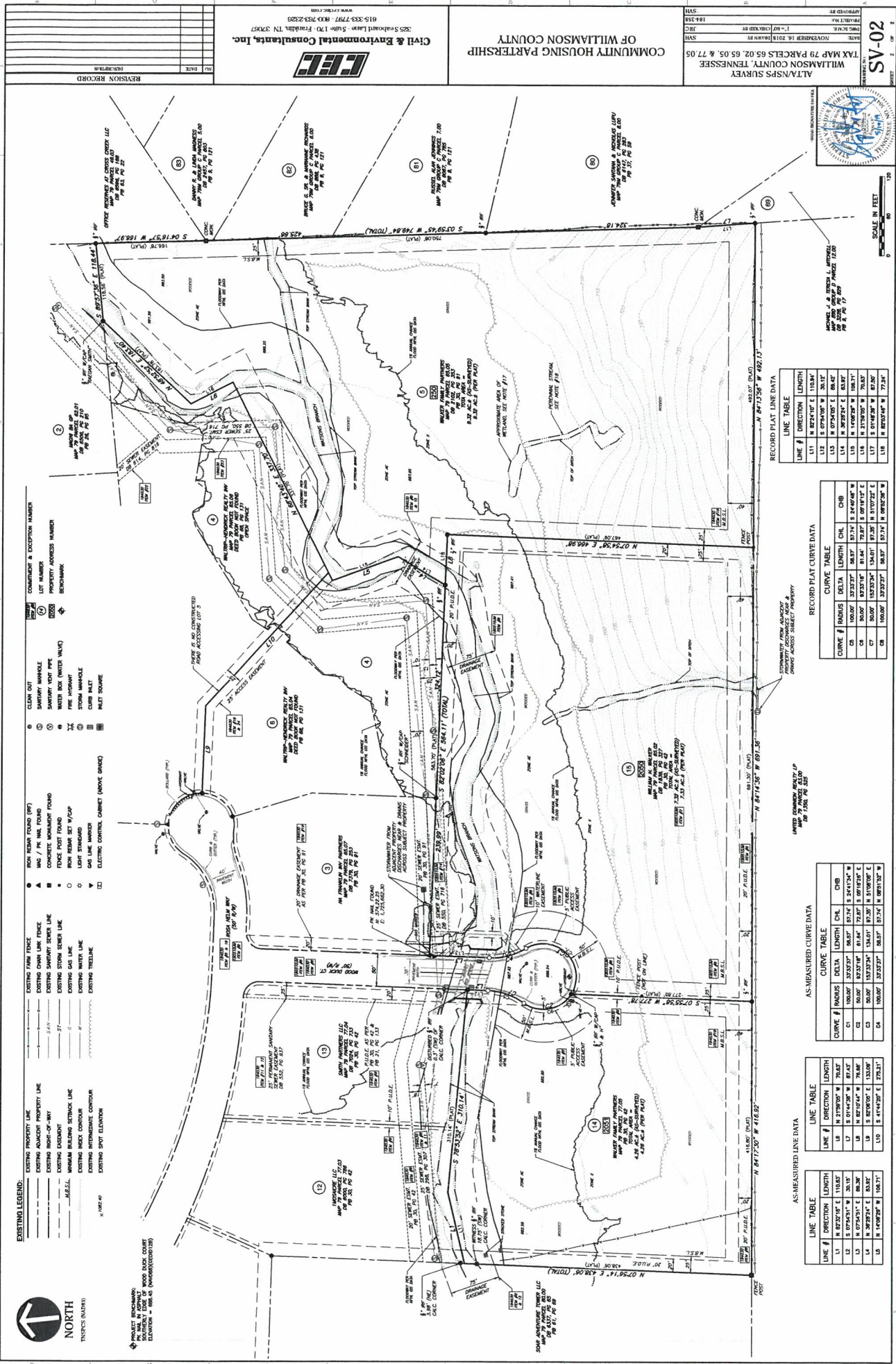
Existing Zoning: GC
 Proposed Zoning: SD-R 11.34
 Existing Land Use: Vacant
 Proposed Land Use: Multifamily
 Character Area: MECO-5
 Development Standard: Conventional
 Other Overlays: FFO, FWO, HHO Buffer
 Site Acreage: 20.90 acres
 Proposed Number of Dwelling Units: 237
 Proposed Building Height: 3-6 stories

- | | |
|--|---------------------------------------|
| Wood Duck Court PUD | SD-R Specific Development-Residential |
| AG Agricultural District | SD-X Specific Development-Variety |
| ER Estate Residential | OR Office Residential District |
| R-1 Residential District | GO General Office District |
| R-2 Residential District | CC Central Commercial District |
| R-3 Residential District | NC Neighborhood Commercial District |
| R-6 Residential District | GC General Commercial District |
| RM-10 Attached 10 Residential District | LI Light Industrial District |
| RM-15 Attached 15 Residential District | HI Heavy Industrial District |
| RM-20 Attached 20 Residential District | CI Civic and Institutional District |



0 250 500 1,000
 Feet

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 It was compiled from the most authentic information available.
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REVISION RECORD

NO.	DATE	DESCRIPTION
1		
2		
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Civil & Environmental Consultants, Inc.
325 Southeast Lane - Suite 170 - Franklin, TN 37067
615-353-7797 / 800-793-2220
www.c-e-i.com

COMMUNITY HOUSING PARTNERSHIP
OF WILLIAMSON COUNTY
ALTA/NPS SURVEY
WILLIAMSON COUNTY, TENNESSEE
TAX MAP 79 PARCELS 65.02, 65.05, & 77.05
DATE: NOVEMBER 16, 2018
DRAWN BY: JAC
CHECKED BY: JAC
SCALE: 1" = 40'



SCALE IN FEET
0 20 40 60 80 100
MICHAEL J. ANDERSON, L. 26022
DATE: 11/16/18
PROJECT: MAP 79 PARCELS 65.02, 65.05, & 77.05

RECORD PLAT LINE DATA

LINE #	DIRECTION	LENGTH
111	N 87°41'00" E	118.81'
112	N 87°41'00" E	20.12'
113	N 07°34'00" E	88.42'
114	N 07°34'00" E	88.42'
115	N 14°00'00" E	88.42'
116	N 21°00'00" E	76.52'
117	S 01°48'00" E	82.50'
118	N 82°03'00" E	73.34'

RECORD PLAT CURVE DATA

CURVE #	RADIUS	DELTA	LENGTH	CHL	CHB
05	100.00'	32°33'27"	88.87'	57.74'	5.844154"
06	100.00'	32°33'27"	88.87'	57.74'	5.844154"
07	50.00'	82°51'00"	81.84'	72.87'	1.011828"
08	50.00'	82°51'00"	81.84'	72.87'	1.011828"
09	50.00'	153°23'34"	134.01'	97.36'	5.170722"
10	100.00'	32°33'27"	88.87'	57.74'	5.844154"

AS-MEASURED CURVE DATA

CURVE #	RADIUS	DELTA	LENGTH	CHL	CHB
C1	100.00'	32°33'27"	88.87'	57.74'	5.844154"
C2	50.00'	82°51'00"	81.84'	72.87'	1.011828"
C3	50.00'	153°23'34"	134.01'	97.36'	5.170722"
C4	100.00'	32°33'27"	88.87'	57.74'	5.844154"

AS-MEASURED LINE DATA

LINE #	DIRECTION	LENGTH
L1	N 82°32'18" E	116.83'
L2	S 01°44'30" W	20.12'
L3	N 07°34'00" E	88.39'
L4	N 30°29'52" E	88.87'
L5	N 14°00'00" E	106.31'





File #: 21-03105

DATE: June 9, 2022
TO: Board of Mayor and Aldermen
FROM: Emily Wright, Planning Director
Amy Diaz-Barriga, Planning Supervisor

SUBJECT:

Consideration Of Resolution 2022-28, A Resolution Amending The Madison PUD Subdivision To Extend The Vested Rights, For The Property Located At 801 Del Rio Pike. Establishing A Public Hearing For July 12, 2022.
FMPC 5/26/22, 8-0 Defer to 6/23/22

PURPOSE:

The purpose of this memorandum is to provide information to the Franklin Municipal Planning Commission (FMPC) and Board of Mayor and Aldermen (BOMA) concerning a vesting extension request for the The Madison PUD Subdivision.

BACKGROUND/STAFF COMMENTS:

This item was deferred from the May 2022 FMPC meeting due to an error in publication. The error has since been corrected, and the item has been noticed properly.

VESTED PROPERTY RIGHTS INFORMATION

State Law establishes vested property rights. It states that a vested property right is established with the approval of an entitling document (in this case a Development Plan), and during a defined vesting period, the locally adopted development standards which are in effect on the date of approval shall remain the development standards applicable to that property during the vesting period.

The law describes the vesting period as beginning with a three-year time frame during which an applicant must secure final approval of the plan (in this case a site plan), secure any necessary permits, and begin site preparation. Should the project meet these three requirements, the vesting period is extended for an additional two years. Within these two years, an applicant must begin construction and maintain any necessary permits. If a project gets to this point, and begins construction on at least one building, the vesting period is extended for a total of 10 years for single-phase projects or 15 years for multi-phase projects. This 10-15 year time period is measured from the original approval date of the entitling document, which in this case is the date the BOMA approved the Development Plan.

THE REQUEST

The request is to extend the vesting period for three years, or until March 10, 2026, to allow the

applicant to secure final approval of the plan (in this case a site plan), secure any necessary permits, and begin site preparation.

APPROVAL HISTORY AND PROJECT DESCRIPTION

The development plan for the Madison PUD was approved by BOMA on March 10, 2020. The plan includes the existing Madison multifamily complex, and proposes the demolition of one existing building and the construction of three additional multifamily buildings. The proposed development increases the unit count by 64 units, to 254 units. The project had two Modification of Standards, supported by staff and approved by BOMA, to reduce the required buffer widths along the perimeter of the development due to the location of existing buildings and porches, along with the presence of established vegetation. BOMA approved the plans, as recommended by the Planning Commission, to remove the condition of approval requiring full access to Brink Place, and instead permitted an emergency access gate to be installed.

CURRENT STATUS

This plan is within the first three-year period and is vested until March 10, 2023. They currently have a site plan awaiting One-Stop approval, which is valid until July 15, 2022. Water/Hydrant conditions have improved in the area since the approval of this project, so flows are no longer an issue. The project does still need to resolve stormwater drainage issues, through the site plan and final plat process.

APPLICANT REQUEST

In their request letter, the developer cited the impacts of the COVID-19 pandemic and the need to finalize a Public Drainage Easement as reasons for the delays in progress.

VESTING IMPACTS

If the vesting period is not extended, the project entitlements would cease to exist, stop work orders would be issued, if applicable. A new development would need to be approved and would be reviewed against the current local development standards.

In reviewing the plan against the current City regulations, the current plan generally complies. The biggest challenge this plan may have, if it is required to meet current development standards, is meeting the frontage requirements for new buildings. The site layout and locations of buildings and parking lots within the existing development limit the location of new buildings and parking lots. All new buildings will be required to face an internal drive, which is defined as two ten-foot drive aisles with parallel parking on each side. Reducing the type of parking in front of new buildings to parallel parking, while promoting the pedestrian experience in both aesthetics and safety, limits parking placement for the required spaces needed. It is unknown if the same density could be met under current development standards, and allowable density would be highly dependent upon a new design for the site that complies with the Zoning Ordinance. However, since the site is already an existing development, application of the frontage standards to only the new buildings may require changes that are easily accommodated in a new plan. Alternatively, if development was allowed to continue under its current plans, the proposed building and parking placements would be consistent with the 17 other buildings on the site.

Staff would continue to support full access to Brink Place for better connectivity for the area, and any condition to reduce full connectivity would have to be granted by the BOMA. A Modification of Standards for Buffer requirements would likely not be required along the entire perimeter of the development, and would be limited to where new development was adjacent to existing single-family lots. Based on the current layout, the requirements for Transition Zones would not limit development potential. Lastly, stormwater drainage issues would still need to be resolved, and would need to comply with the current BMP manual.

FINANCIAL IMPACT:

Unknown.

RECOMMENDATION:

Staff recommends that BOMA approve Resolution 2022-28 if they determine that the continuation of vested rights is in the best interest of the community. Due to this development plan being a small revision to an existing development, application of the new development standards would not have a significant impact on the overall site.

RESOLUTION 2022-28

A RESOLUTION AMENDING THE MADISON PUD SUBDIVISION TO EXTEND THE VESTED RIGHTS, FOR THE PROPERTY LOCATED AT 801 DEL RIO PIKE.

WHEREAS, the Board of Mayor and Aldermen (BOMA) of the City of Franklin, Tennessee, has approved the zoning for the property as part of Ordinance 2019-59; and

WHEREAS, BOMA of the City of Franklin, Tennessee, has approved the Planned Unit Development for the property as part of Resolution 2019-134; and

WHEREAS, in accordance with the provisions of the City of Franklin, Tennessee, Zoning Ordinance, and as required by *Tennessee Code Annotated* § 13-4-310, as amended, the approval of the Development Plan by the BOMA initiates a vesting period during which the development standards adopted by the City and in effect on the date of approval; and

WHEREAS, *Tennessee Code Annotated* § 13-4-310 (d) (1) states that the vesting period applicable to a development plan shall be a period of three (3) years, beginning on the date of the local government's approval of the preliminary development plan; provided, that the applicant obtains local government approval of a final development plan, secures any necessary permits and commences site preparation within the vesting period; and

WHEREAS, the Madison PUD vesting period began on March 10, 2020, is set to expire on March 10, 2023, and the applicant has not obtained approval of a final development plan, secured any permits, or commenced site preparation; and

WHEREAS, *Tennessee Code Annotated* § 13-4-310 (h) states that an amendment to an approved development plan by the developer must be approved by the local government to retain the protections of the vested property right, and a vested property right shall not terminate if the local government determines, in writing, that it is in the best interest of the community to allow the development to proceed under the amended plan without terminating the vested property right; and

WHEREAS, the Franklin Zoning Ordinance § 2.4.2 (16) states that upon the expiration of a vesting period for a Development Plan, construction may not proceed unless a new Development Plan is approved by the BOMA that meets all development standards in effect at the time of approval for portions of the project not already constructed or under construction or, alternatively, the BOMA may grant an extension of the vesting period if it determines, in writing, that it is in the best interest of the community to allow the development to proceed without terminating the vested property right; and

WHEREAS, the applicant has requested an extension of the first vesting milestone for three years, or until March 10, 2026 to obtain approval of a final development plan, secured any permits, or commenced site preparation.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, TENNESSEE, AS FOLLOWS:

SECTION I. That the legal description of the property included in the Development Plan is as follows:

PREMISES CONSIDERED

Map-Parcel	Acres
63-11.00	20.0
Total	20.0

SECTION II. That the attached Location Map (Exhibit A) shall serve the purpose of further delineating the geographical boundaries as described by this Resolution.

SECTION III. That the overall entitlements for the Madison PUD Subdivision, as outlined below and through Exhibit B, are as follows:

Entitlements	Madison PUD
Base Zone District	Planned District (PD 12.7)
Character Area Overlay	CFCO-4
Other Zoning Overlays	n/a
Development Standard	Conventional
Number of Dwelling Units	64
Number of Nonresidential Square Footage	0
Number of Hotel Rooms	0
Connectivity Index	n/a
Open Space Requirements	5% Formal 10% Informal
Number of Phases in Development	1

SECTION IV: That the following Modification of Development Standards (MOS) was requested and acted upon by the Board of Mayor and Aldermen after review and recommendation by the Franklin Municipal Planning Commission:

MOS 1: Reduce the width of the Class C Buffer along the western property line to exclude the existing parking area from the buffer, and utilize only existing vegetation within the buffer. Approved: __x__ Denied: _____	5.4.6(4)-Table 5-5: A Class C Buffer requires a 50-foot buffer width. <i>Staff recommended approval.</i>
MOS 2: Reduce the width of the Class C Buffer along the eastern property line by 12.5 feet to exclude any existing structures or patios from the buffer. Approved: __x__ Denied: _____	5.4.6(4)-Table 5-5: A Class C Buffer requires a 50-foot buffer width. <i>Staff recommended approval.</i>

SECTION V. That the original vesting period was initiated on March 10, 2020, and was set to expire on March 10, 2023. The initial vesting period is extended for three years until March 10, 2026. The amended development plan will now have until March 10, 2026, to obtained approval of a final development plan, secured any permits, or commenced site preparation.

SECTION VI. That should the development plan obtained approval of a final development plan, secured any permits, or commenced site preparation within the extended timeframe listed in Section IV, the amended development plan will be granted two years from the extended date listed in Section IV to secure any necessary permits and commence construction.

SECTION VII. That the total vesting period of ten (10) years shall not be extended. If construction commences during the approved timeframe above, the development standards applicable during the vesting period shall remain in effect until the local government has certified final completion of the development or project; provided, the total vesting period for the project shall not exceed ten (10) years from the date of the original approval of the preliminary development plan (March 10, 2020) and shall remain at March 10, 2030.

SECTION VIII. That the original Development Plan, the exhibits accompanying the original Development Plan, and all conditions and restrictions placed upon the original Development Plan by the Franklin Municipal Planning Commission and this Board shall be made a part of this Resolution as though copied verbatim herein, and that a permanent record of the Development Plan, the exhibits accompanying the Development Plan, and all such conditions and restrictions shall be kept in the Franklin Planning and Sustainability Department.

SECTION IX. BE IT FINALLY ORDAINED by the Board of Mayor and Aldermen of the City of Franklin, Tennessee, that this Resolution shall take effect from and after its passage on final reading, the health, safety, and welfare of the citizens requiring it.

ATTEST:

CITY OF FRANKLIN, TENNESSEE:

Eric S. Stuckey
City Administrator

Dr. Ken Moore
Mayor

Approved as to form by:

Shauna R. Billingsley
City Attorney

PLANNING COMMISSION RECOMMENDED:

PUBLIC HEARING HELD:

THE MADISON PUD SUBDIVISION EXHIBIT A

Project Information

Existing Zoning: PD 12.7

Overlay Districts: N/A

Site Acreage: 20 acres

Number of Dwelling Units: 64

Zoning Districts

 The Madison

Overlays

 Hillside/Hillcrest Overlay

 500 Ft Buffer of Hillside

 AG Agricultural District

 ER Estate Residential District

 R1 Residential 1 District

 R2 Residential 2 District

 R3 Residential 3 District

 R4 Residential 4 District

 R6 Residential 6 District

 MR Mixed Residential District

 PD Planned District

 OR Office Residential District

 CI Civic Institutional District

 NC Neighborhood Commercial

 CC Central Commercial District

 DD Downtown District

 1ST Avenue District

 5TH Avenue District

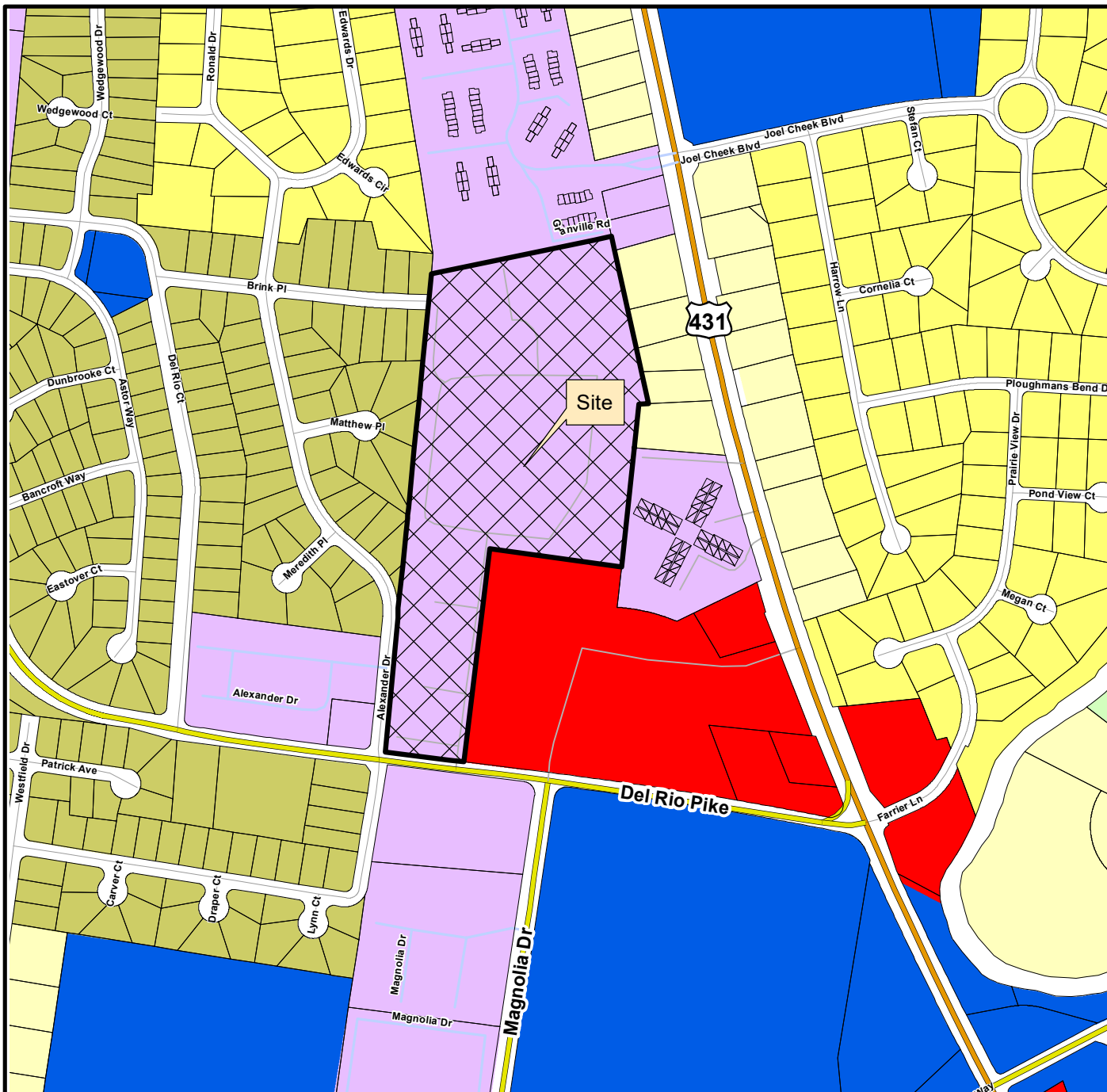
 RC6 Regional Commerce 6 District

 RC12 Regional Commerce 12 District

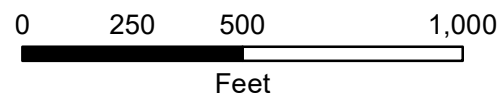
 GO General Office District

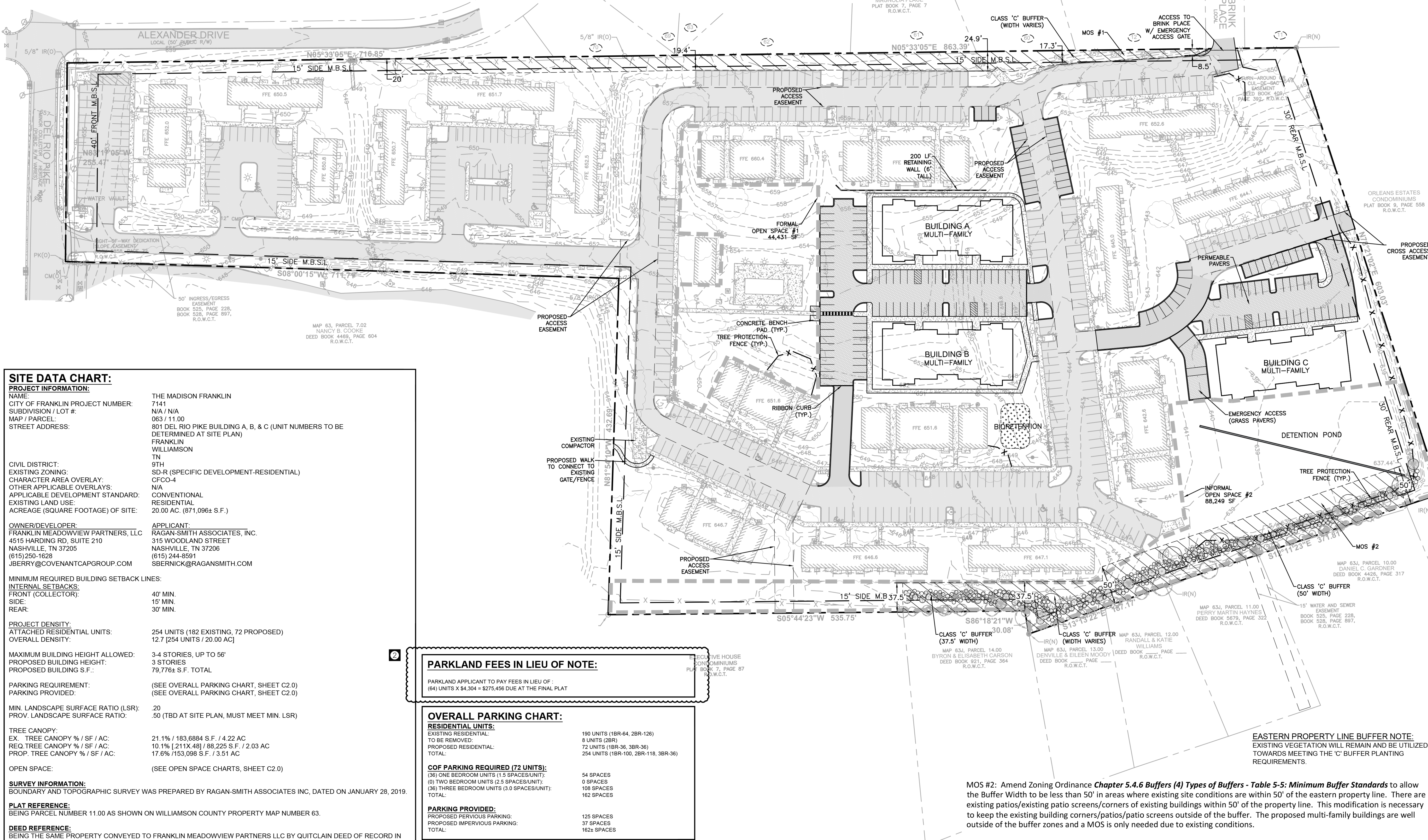
 LI Light Industrial District

 HI Heavy Industrial District



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It was compiled from the most authentic information available.
The City is not responsible for any errors or omissions contained herein.
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SITE DATA CHART:
PROJECT INFORMATION:
NAME: THE MADISON FRANKLIN
CITY OF FRANKLIN PROJECT NUMBER: 7141
SUBDIVISION / LOT #: N/A / N/A
MAP / PARCEL: 063 / 11.00
STREET ADDRESS: 801 DEL RIO PIKE BUILDING A, B, & C (UNIT NUMBERS TO BE DETERMINED AT SITE PLAN)
FRANKLIN WILLIAMSON TN 37205
9TH SD-R (SPECIFIC DEVELOPMENT-RESIDENTIAL)
CF-CO-4
N/A
CONVENTIONAL
RESIDENTIAL
20.00 AC. (871,096± S.F.)
OWNER/DEVELOPER: FRANKLIN MEADOWVIEW PARTNERS, LLC
4515 HARDING RD, SUITE 210
NASHVILLE, TN 37205
(615) 250-1628
JBERRY@COVENANTCAPGROUP.COM
APPLICANT: RAGAN-SMITH ASSOCIATES, INC.
315 WOODLAND STREET
NASHVILLE, TN 37206
(615) 244-8591
SBERNICK@RAGANSMITH.COM
MINIMUM REQUIRED BUILDING SETBACK LINES:
INTERNAL SETBACKS:
FRONT (COLLECTOR): 40' MIN.
SIDE: 15' MIN.
REAR: 30' MIN.
PROJECT DENSITY:
ATTACHED RESIDENTIAL UNITS: 254 UNITS (182 EXISTING, 72 PROPOSED)
OVERALL DENSITY: 12.7 [254 UNITS / 20.00 AC]
MAXIMUM BUILDING HEIGHT ALLOWED: 3-4 STORIES, UP TO 56'
PROPOSED BUILDING HEIGHT: 3 STORIES
PROPOSED BUILDING S.F.: 79,776± S.F. TOTAL
PARKING REQUIREMENT: (SEE OVERALL PARKING CHART, SHEET C2.0)
PARKING PROVIDED: (SEE OVERALL PARKING CHART, SHEET C2.0)
MIN. LANDSCAPE SURFACE RATIO (LSR): .20
PROV. LANDSCAPE SURFACE RATIO: .50 (TBD AT SITE PLAN, MUST MEET MIN. LSR)
TREE CANOPY:
EX. TREE CANOPY % / SF / AC: 21.1% / 183,688 S.F. / 4.22 AC
REQ. TREE CANOPY % / SF / AC: 10.1% [211X.48] / 88,225 S.F. / 2.03 AC
PROP. TREE CANOPY % / SF / AC: 17.6% / 153,088 S.F. / 3.51 AC
OPEN SPACE: (SEE OPEN SPACE CHARTS, SHEET C2.0)
SURVEY INFORMATION:
BOUNDARY AND TOPOGRAPHIC SURVEY WAS PREPARED BY RAGAN-SMITH ASSOCIATES INC, DATED ON JANUARY 28, 2019.
PLAT REFERENCE:
BEING PARCEL NUMBER 11.00 AS SHOWN ON WILLIAMSON COUNTY PROPERTY MAP NUMBER 63.
DEED REFERENCE:
BEING THE SAME PROPERTY CONVEYED TO FRANKLIN MEADOWVIEW PARTNERS LLC BY QUITCLAIM DEED OF RECORD IN DEED BOOK 7313, PAGE 267, REGISTER'S OFFICE FOR WILLIAMSON COUNTY, TENNESSEE.
MINERAL RIGHTS INFORMATION:
AT THE PRESENT TIME, PROPERTY TITLE REFERENCE DOES NOT REFLECT ANY MINERAL RIGHTS ON THE SUBJECT PROPERTY.
FLOOD INFORMATION:
BY SCALED MAP LOCATION AND GRAPHIC PLOTTING ONLY, THIS PROPERTY LIES WITHIN FLOOD ZONE "X", AS DESIGNATED ON CURRENT FEDERAL EMERGENCY MANAGEMENT AGENCY MAP NO. 47187C0192Q WITH AN EFFECTIVE DATE OF DECEMBER 22, 2016, WHICH MAKES UP A PART OF THE NATIONAL FLOOD ADMINISTRATION REPORT; COMMUNITY No. 47206, PANEL NO. 0192, SUFFIX G, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PREMISES IS SITUATED. SAID MAP DEFINES ZONE "X" UNDER "OTHER AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN."
DEVELOPMENT PHASING:
DEVELOPMENT TO BE COMPLETED IN ONE PHASE. WORK TO COMMENCE FROM SUMMER 2020 TO SUMMER 2021.

PARKLAND FEES IN LIEU OF NOTE:
PARKLAND APPLICANT TO PAY FEES IN LIEU OF:
(64) UNITS X \$4,304 = \$275,456 DUE AT THE FINAL PLAT
OVERALL PARKING CHART:
RESIDENTIAL UNITS:
EXISTING RESIDENTIAL: 190 UNITS (1BR-64, 2BR-126)
TO BE REMOVED: 8 UNITS (2BR)
PROPOSED RESIDENTIAL: 72 UNITS (1BR-36, 3BR-36)
TOTAL: 254 UNITS (1BR-100, 2BR-118, 3BR-36)
COF PARKING REQUIRED (72 UNITS):
(36) ONE BEDROOM UNITS (1.5 SPACES/UNIT): 54 SPACES
(0) TWO BEDROOM UNITS (2.5 SPACES/UNIT): 0 SPACES
(36) THREE BEDROOM UNITS (3.0 SPACES/UNIT): 108 SPACES
TOTAL: 162 SPACES
PARKING PROVIDED:
PROPOSED PERVIOUS PARKING: 125 SPACES
PROPOSED IMPERVIOUS PARKING: 37 SPACES
TOTAL: 162± SPACES

OPEN SPACE REQUIREMENT CHART					
Minimum Open Space Requirement: 15 % Required					
Site Acreage: 20.00 Acres Open Space Acreage Required: 3.00 Acres					
Formal Open Space (34% of gross development area): 44,431 square feet					
Informal Open Space (66% of gross development area): 86,249 square feet					
Formal Open Space Provided:					
Key	Classification	Type	Area of Open Space	Paved Area	Percent Paved ImperVIOUS
Area 1	Formal	TBD	44,431 s.f.	5,813 s.f.	13%(25% Permitted)
Area 2	Informal	TBD	86,249 s.f.	0 s.f.	0%(25% Permitted)
Total Provided: 130,680 s.f.					

STATEMENT OF IMPACT:
POLICE, FIRE, & REC FACILITIES: - THE SITE IS LOCATED 1.3 MILES FROM THE DOWNTOWN FRANKLIN POLICE HEADQUARTERS AND APPROXIMATELY 0.8 MILE FROM FIRE STATION #1 LOCATED AT 500 NEW HWY 96 W. THE SITE IS 0.7 MILES FROM BICENTENNIAL PARK; 1.1 MILES TO JIM WARREN PARK; EXISTING TRASH COLLECTION AND RECYCLING FACILITIES ARE SHOWN ON PUD PLAN AND WILL BE UTILIZED BY THE NEW MULTI-FAMILY BUILDINGS. REFUSE COLLECTION FOR THE MULTI-FAMILY WILL BE PRIVATE.

ENVISION FRANKLIN COMPLIANCE
CONSISTENT WITH THE MAJOR OBJECTIVES OF ENVISION FRANKLIN, THE MADISON FRANKLIN IS INTENDED TO REVITALIZE AN EXISTING DEVELOPMENT WITHIN THE CENTRAL FRANKLIN CHARACTER AREA. THE MADISON FRANKLIN WILL ATTRACT THOSE SEEKING TO LIVE CLOSE TO DOWNTOWN FRANKLIN BY PROVIDING AN INFILL OPPORTUNITY WITHIN AN EXISTING RESIDENTIAL COMMUNITY. THE MADISON FRANKLIN IS LOCATED NORTHWEST OF DOWNTOWN FRANKLIN ON DEL RIO PIKE, CLOSE TO THE HILLSBORO ROAD INTERSECTION.
THE MADISON FRANKLIN SITE IS CURRENTLY COMPRISED OF MULTI-FAMILY RESIDENTIAL UNITS SURROUNDED BY ATTACHED AND DETACHED RESIDENTIAL UNITS. THE PROPOSED RESIDENTIAL INFILL WILL SEEK TO MAXIMIZE THE SITE'S LAND USE POTENTIAL BY FEATURING NEW MID-RISE RESIDENTIAL HOUSING.

WESTERN PROPERTY LINE BUFFER NOTE:
EXISTING VEGETATION WILL REMAIN AND BE UTILIZED TOWARDS MEETING THE 'C' BUFFER PLANTING REQUIREMENTS IN LIEU OF REMOVING/INSTALLING NEW PLANTING MATERIAL. EXISTING VEGETATION WILL BE REMOVED FOR ANY REQUIRED VEHICULAR/PEDESTRIAN ACCESS CONNECTIONS.

MOS #1: Amend Zoning Ordinance *Chapter 5.4.6 Buffers (4) Types of Buffers - Table 5-5: Minimum Buffer Standards* to allow the Buffer Width to vary and be less than 50' based on existing site conditions along the western property line adjacent to the detached residential use and to utilize existing vegetation in lieu of required plantings/types shown in the table. This modification is necessary due to existing conditions regarding the width between the existing parking lot's back of curb and the property line. The existing vegetation consisting of both dense mature shrubs/trees along the western property line provides a significant screen and is recommended to remain in place in lieu of removal and new plantings. The proposed multi-family buildings are interior to the site and opposite this western property line and a MOS is only needed due to existing conditions.

MOS #2: Amend Zoning Ordinance *Chapter 5.4.6 Buffers (4) Types of Buffers - Table 5-5: Minimum Buffer Standards* to allow the Buffer Width to be less than 50' in areas where existing site conditions are within 50' of the eastern property line. There are existing patios/existing patio screens/corners of existing buildings within 50' of the property line. This modification is necessary to keep the existing building corners/patios/patio screens outside of the buffer. The proposed multi-family buildings are well outside of the buffer zones and a MOS is only needed due to existing conditions.

EASTERN PROPERTY LINE BUFFER NOTE:
EXISTING VEGETATION WILL REMAIN AND BE UTILIZED TOWARDS MEETING THE 'C' BUFFER PLANTING REQUIREMENTS.

NOTE:
BEARINGS SHOWN HEREON ARE BASED ON THE TENNESSEE STATE PLANE COORDINATE SYSTEM, ZONE 5301, FIPSZONE 4100; NAD 83 DATUM.

RAGAN • SMITH
LAND PLANNERS • CIVIL ENGINEERS
LANDSCAPE ARCHITECTS • SURVEYORS
Chattanooga
Nashville
Murfreesboro
615-244-6591
615-496-9400
ragansmith.com

THE MADISON FRANKLIN
FOR
FRANKLIN MEADOWVIEW PARTNERS, LLC

CITY OF FRANKLIN, WILLIAMSON COUNTY, TENNESSEE

JOB NO.	18-162	WK ORDER	1299	DESIGNED	S. BERNICK	DRAWN	K. CHOI	PER CONDITIONS OF APPROVAL	2	2020.04.16	PER STAFF COMMENTS	1	2020.01.02	DATE:	DECEMBER 09, 2019	DESCRIPTION:	
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OVERALL DEVELOPMENT PLAN

C2.0

To: Ms. Amy Diaz-Barriga
City of Franklin Department of Planning and Sustainability
109 3rd Avenue South
Franklin, TN, 37064
615-550-6732
Amy.diaz-barriga@franklintn.gov

Re: The Madison PUD Subdivision

Dear Amy Diaz- Barriga,

Investment VII - Madison, LLC acquired The Madison April 15, 2021. The long-term investment strategy for the property included improvements to the existing units and the addition of new units. To date, we have completed several capital improvement projects associated with the existing units including roof replacements and exterior paint but we have not started the development of the additional units as approved by the Board of Mayor and Aldermen on March 10, 2020. Per Tennessee Code Annotated 13-4-310, the vesting of the associated entitlements is set to expire on March 10, 2023. Investment VII - Madison, LLC is requesting an extension of the first Development Plan milestone, whereby the property owner/developer must obtain approval of a site plan, obtain approval of a necessary permit, and commence site preparation within a period of three years.

Investment VII - Madison, LLC is requesting an extension of the first vesting period to March 10, 2026 to meet the first milestone.

Our reasons for the extension request include:

1. The worldwide SARS-CoV-2 pandemic; its impact to individual's health, disruption to supply chains, increased pricing, and economic uncertainty.
2. The need to finalize the Public Drainage Easement.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Charles V. Welden III', with a long, sweeping underline.

Charles V. Welden III, Manager of
Investment VII – Madison, LLC

THE MADISON PUD SUBDIVISION EXHIBIT A

Project Information

Existing Zoning: PD 12.7

Overlay Districts: N/A

Site Acreage: 20 acres

Number of Dwelling Units: 64

Zoning Districts

 The Madison

Overlays

 Hillside/Hillcrest Overlay

 500 Ft Buffer of Hillside

 AG Agricultural District

 ER Estate Residential District

 R1 Residential 1 District

 R2 Residential 2 District

 R3 Residential 3 District

 R4 Residential 4 District

 R6 Residential 6 District

 MR Mixed Residential District

 PD Planned District

 OR Office Residential District

 CI Civic Institutional District

 NC Neighborhood Commercial

 CC Central Commercial District

 DD Downtown District

 1ST Avenue District

 5TH Avenue District

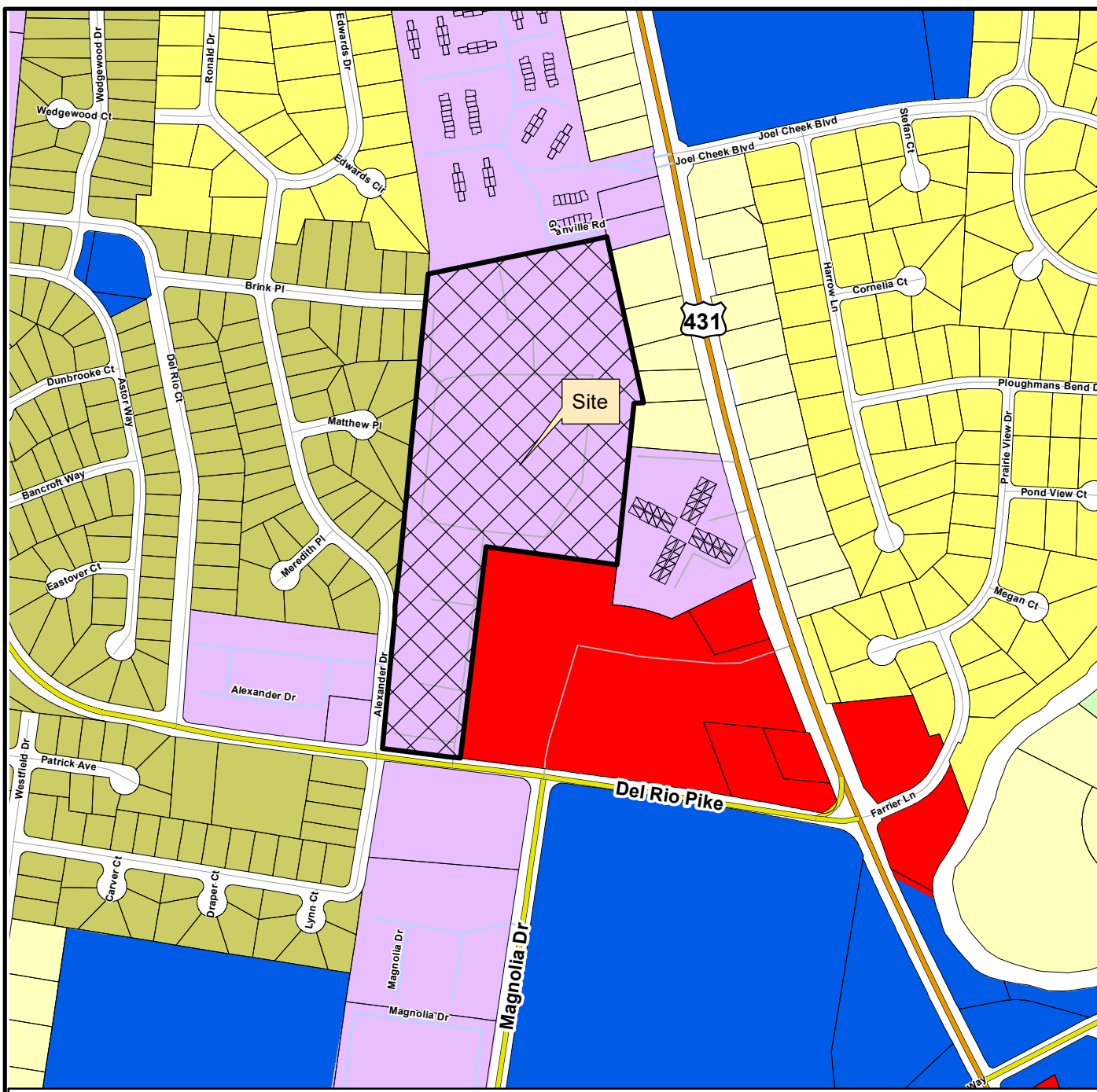
 RC6 Regional Commerce 6 District

 RC12 Regional Commerce 12 District

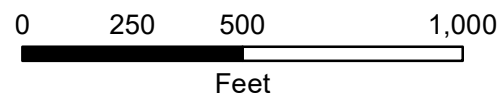
 GO General Office District

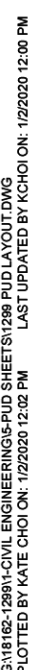
 LI Light Industrial District

 HI Heavy Industrial District



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RESOLUTION 2019-134
As Amended

**A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR THE MADISON PUD
SUBDIVISION WITH 2 MODIFICATIONS OF DEVELOPMENT STANDARDS, MOS #1 AND
MOS #2 REDUCTION OF THE CLASS C BUFFER, FOR THE PROPERTY LOCATED NORTH OF
DEL RIO PIKE AND EAST OF BRINK PLACE, LOCATED AT 801 DEL RIO PIKE.**

WHEREAS, the Board of Mayor and Aldermen of the City of Franklin, Tennessee, has, or will, approve the zoning for the property as part of Ordinance 2019-59; and

WHEREAS, the Planned Unit Development (PUD) process is a review procedure that is intended to encourage innovative land planning and design and avoid the monotony sometimes associated with large developments by:

- (a) Reducing or eliminating the inflexibility that sometimes results from strict application of zoning standards that were designed primarily for individual lots;
- (b) Allowing greater freedom in selecting the means to provide access, light, open space, and design amenities;
- (c) Encouraging a sensitive design that respects the surrounding established land use character and natural or man-made features of the site including, but not limited to, trees, historic features, streams, hillsides, and floodplains;
- (d) Promoting quality design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations, and land uses; and
- (e) Allowing deviations from certain zoning standards that would otherwise apply if not contrary to the general spirit and intent of this ordinance; and

WHEREAS, the PUD process requires the approval of a Development Plan that is reviewed and approved by BOMA, after a public hearing and a recommendation by the Franklin Municipal Planning Commission; and

WHEREAS, in accordance with the provisions of the City of Franklin, Tennessee, Zoning Ordinance, and as required by Tennessee Code Annotated § 13-4-310, as amended, the approval of the Development Plan by the BOMA will initiate a vesting period during which the development standards adopted by the City and in effect on the date of approval shall remain the standards applicable to the approved Development Plan.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, TENNESSEE, AS FOLLOWS:

SECTION I. That the legal description of the property included in the Development Plan is as follows:

PREMISES CONSIDERED	
Map-Parcel	Acres
63-11.00	20.0
Total	20.0

SECTION II. That the attached Location Map and Survey shall serve the purpose of further delineating the geographical boundaries as described by this Resolution.

SECTION III. That the overall entitlements for The Madison PUD are as follows:

Entitlements	The Madison PUD
Base Zone District	Planned District 12.7 (PD 12.7)
Character Area Overlay	CFCO-4
Other Zoning Overlays	n/a
Development Standard	Conventional
Number of Dwelling Units	64
Number of Nonresidential Square Footage	0
Number of Hotel Rooms	0
Connectivity Index	n/a
Open Space Requirements	5% Formal 10% Informal
Number of Phases in Development	1

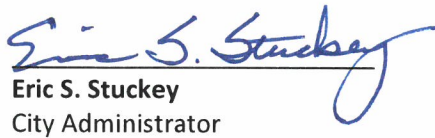
SECTION IV. That the Development Plan, the exhibits accompanying the Development Plan, and all conditions and restrictions placed upon the Development Plan by the Franklin Municipal Planning Commission and this Board shall be made a part of this Resolution as though copied verbatim herein, and that a permanent record of the Development Plan, the exhibits accompanying the Development Plan, and all such conditions and restrictions shall be kept in the Franklin Planning and Sustainability Department.

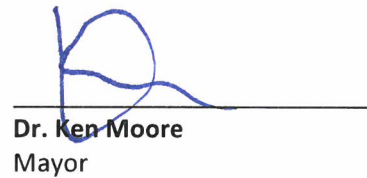
SECTION V. That the following Modifications of Development Standards (MOS) were requested and acted upon by the Board of Mayor and Aldermen, after review and recommendation by the Franklin Municipal Planning Commission:

MOS 1: Reduce the width of the Class C Buffer along the western property line to exclude the existing parking area from the buffer and utilize only existing vegetation within the buffer. Approved:  Denied: _____	5.4.6(4)-Table 5-5: A Class C Buffer requires a 50-foot buffer width. <i>Staff recommended approval.</i>

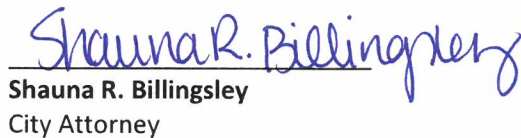
MOS 2: Reduce the width of the Class C Buffer along the eastern property line by 12.5 feet to exclude any existing structures or patios from the buffer. Approved: <u>✓</u> Denied: <u> </u>	5.4.6(4)-Table 5-5: A Class C Buffer requires a 50-foot buffer width. <i>Staff recommended approval.</i>
--	--

SECTION VI. That this Resolution shall take effect from and after the passage of Ordinance 2019-59, on third and final reading, the health, safety, and welfare of the citizens requiring it.


Eric S. Stuckey
 City Administrator


Dr. Ken Moore
 Mayor

Approved as to form by:


Shauna R. Billingsley
 City Attorney

PREAPPLICATION CONFERENCE:

12/3/2019

BOMA/FMPC JOINT CONCEPTUAL WORKSHOP:

12/12/2019

NEIGHBORHOOD MEETING:

12/3/2019

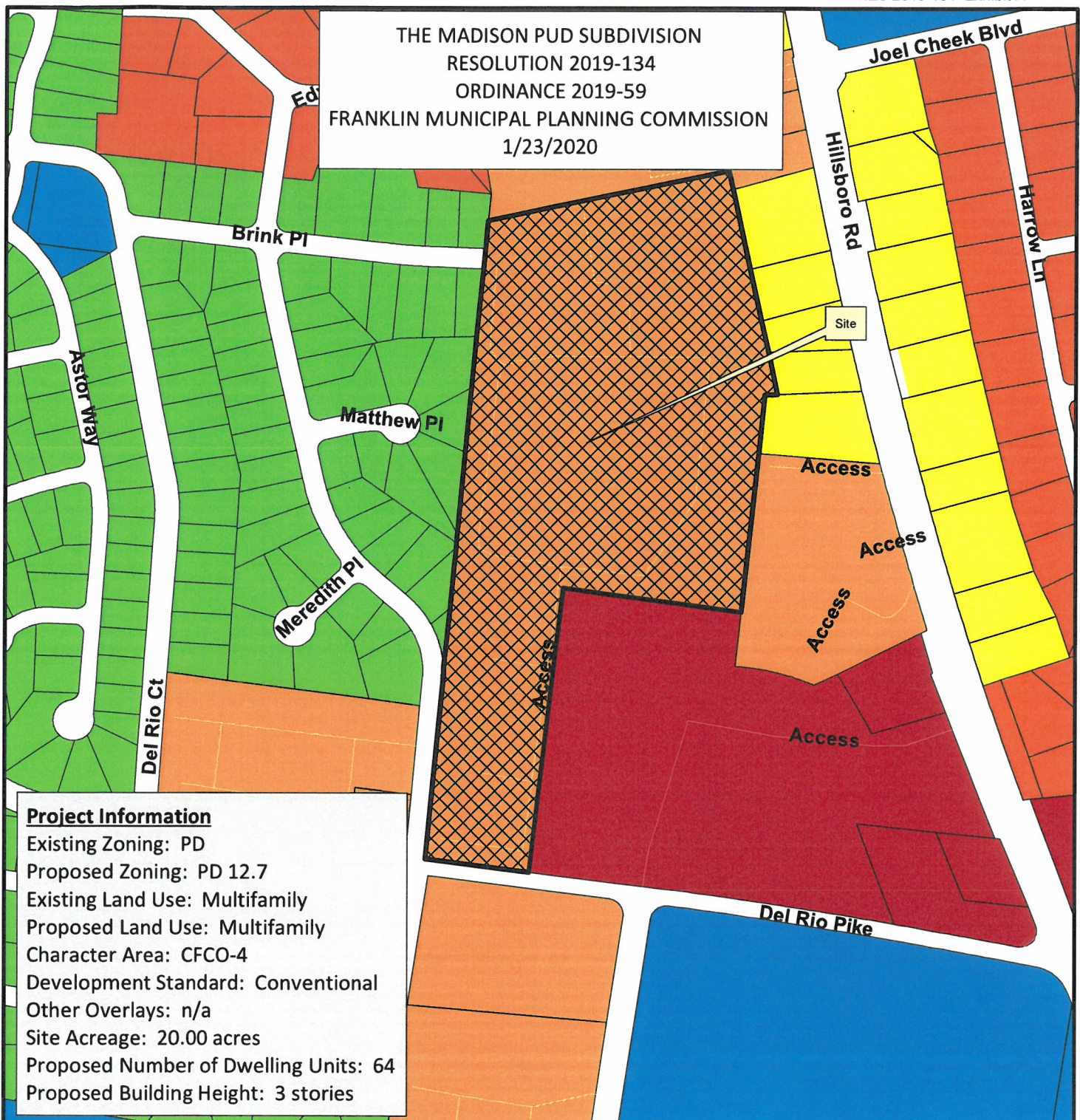
PLANNING COMMISSION RECOMMENDED APPROVAL:

1/23/20 80

PUBLIC HEARING AND BOMA APPROVAL:

3/10/20 80

THE MADISON PUD SUBDIVISION
 RESOLUTION 2019-134
 ORDINANCE 2019-59
 FRANKLIN MUNICIPAL PLANNING COMMISSION
 1/23/2020



Project Information

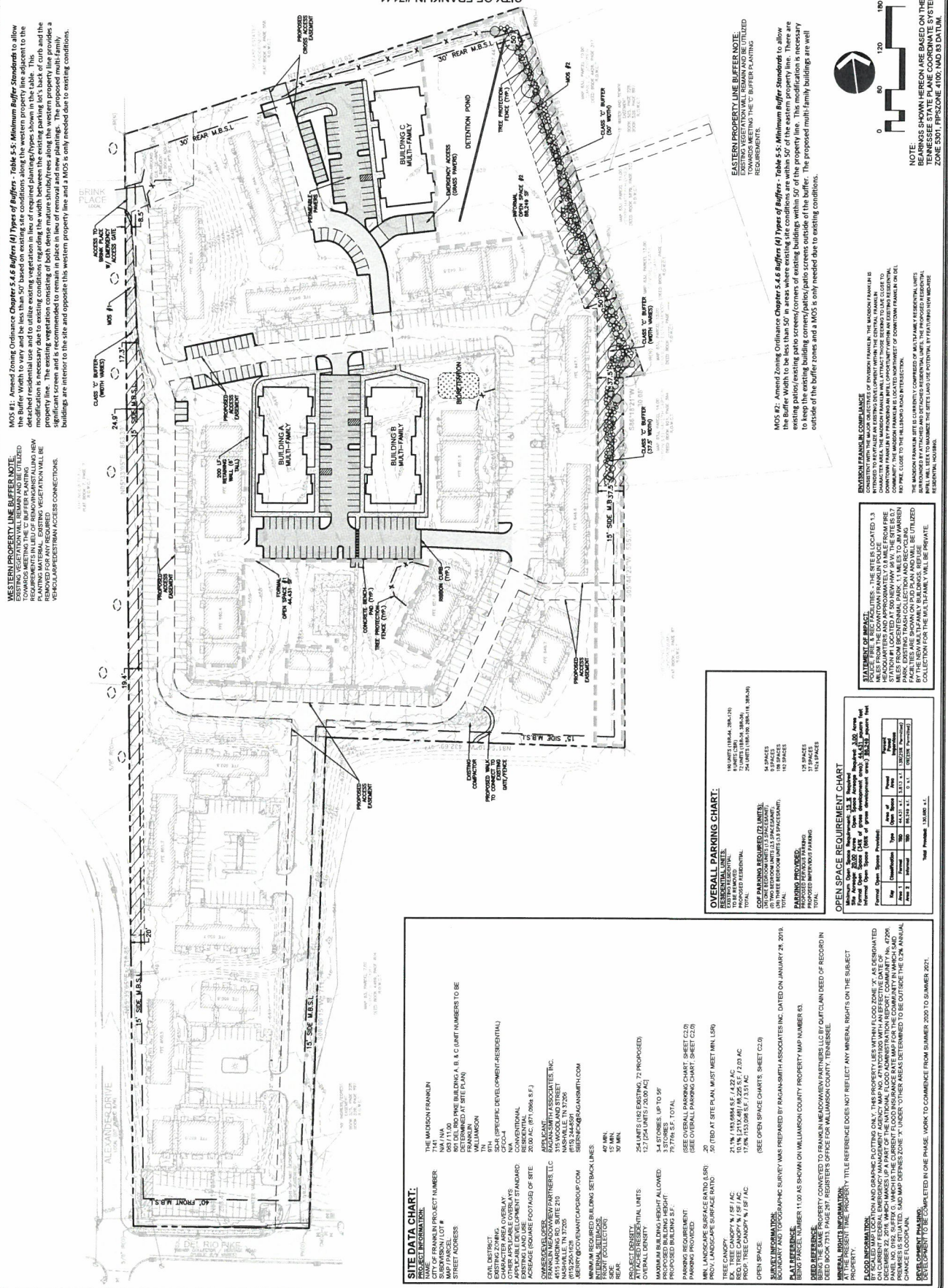
Existing Zoning: PD
 Proposed Zoning: PD 12.7
 Existing Land Use: Multifamily
 Proposed Land Use: Multifamily
 Character Area: CFCO-4
 Development Standard: Conventional
 Other Overlays: n/a
 Site Acreage: 20.00 acres
 Proposed Number of Dwelling Units: 64
 Proposed Building Height: 3 stories

- | | |
|--|---------------------------------------|
| The Madison PUD | SD-R Specific Development-Residential |
| AG Agricultural District | SD-X Specific Development-Variety |
| ER Estate Residential | OR Office Residential District |
| R-1 Residential District | GO General Office District |
| R-2 Residential District | CC Central Commercial District |
| R-3 Residential District | NC Neighborhood Commercial District |
| R-6 Residential District | GC General Commercial District |
| RM-10 Attached 10 Residential District | LI Light Industrial District |
| RM-15 Attached 15 Residential District | HI Heavy Industrial District |
| RM-20 Attached 20 Residential District | CI Civic and Institutional District |



0 250 500 1,000
 Feet

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File #: 21-02724

DATE: May 31, 2022

TO: Board of Mayor and Aldermen

FROM: Eric Stuckey, City Administrator
Vernon Gerth, Asst. City Administrator Community Development
Alex Brown, Asst. Director of BNS
Katherine Harelson, Management Fellow

SUBJECT:

Discussion Of Proposed Changes To Certificate Of Use And Occupancy Issuance Process.

PURPOSE:

The purpose of this memorandum is to provide information to the Franklin Board of Mayor and Aldermen (BOMA) concerning proposed changes to when the City of Franklin issues Certificates of Use and Occupancy.

BACKGROUND/STAFF COMMENTS:

A Certificate of Use and Occupancy (CO) is a document certifying that a property, a building, and/or a structure is in compliance with the City of Franklin's adopted building codes, Zoning Ordinance, and other standards and indicates that it is suitable for use and occupancy. Currently, the City of Franklin issues Certificates of Use and Occupancy upon completion of construction associated with a building permit for new residential or nonresidential structures and for renovation or buildout of a nonresidential tenant spaces. The City will also issue a new CO when the use of a building, structure, or tenant space changes if requested by the owner or tenant. The proposed changes that will be presented would help create a consistent and predictable process for when Certificates of Use and Occupancy are issued. These changes would also help City staff keep an accurate record of development and business activity in the city and begin to build a historical record.

FINANCIAL IMPACT:

There are no changes in fees at this time.

RECOMMENDATION:

Staff request Board feedback regarding this presentation.

Certificates of Use and Occupancy Overview

BOMA Work Session – June 28th, 2022

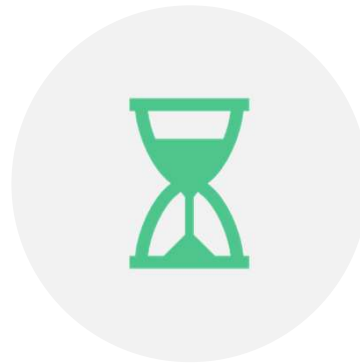
What is a Certificate of Use and Occupancy?

- A Certificate of Use and Occupancy (CUO) is a document certifying that ***vacant property (land), buildings and structures are in compliance with applicable zoning, building codes, and other laws*** and indicating that it is suitable for use and occupancy.
- Currently, our Municipal Code is vague and a CUO is only required when a new building is ready to be occupied, or there is a change in the use of a building or structure. Updating this section of the Municipal Code will assist us in becoming proactive when citizens are contemplating leasing or purchasing non-residential property.

Goals



**ESTABLISH A CONSISTENT & COMPREHENSIVE
PROCESS THAT IS MORE EFFICIENT FOR BOTH
APPLICANTS AND CITY STAFF.**



**CONTINUE TO ENCOURAGE THE TIMELY AND
ACCURATE COMPLETION OF DEVELOPMENT
PROJECTS IN THE CITY OF FRANKLIN**



**CONTINUE THE CITY'S PROMISE OF EXCELLENCE,
EFFICIENCY, AND QUALITY SERVICE DELIVERY BY
ENGAGING PEOPLE EARLIER IN THE PROCESS OF
LEASING OR PURCHASING A NON-RESIDENTIAL
PROPERTY.**

Common Examples

New Building
Permit

New Business
License

Change in
Ownership

Change in
Use

Change in
Occupant

What does this look like?

- ***Business License:*** A local department store is planning to sell liquor inside the store.
- ***Change in Ownership:*** A local restaurant owner is moving locations and sells the building to another restaurant owner.
- ***Change in Use (building or property):*** An owner of a warehouse decides to convert the space into a gymnastics facility.
- ***Change in Occupant:*** A fast-food restaurant moves out of a building once the lease is up, and another fast-food restaurant moves in as the new tenant.

Recent Examples

Parcel of Land

Short-Term Vacation
Rentals

What does this look like?

- ***Parcel of land:*** A local restaurant owner has a parcel land behind their business and decides to have an outdoor summer concert series on Wednesday evenings.
- ***Short-Term Vacation Rentals:*** A homeowner recently bought and remodeled two homes in a neighborhood and intends to list them on Airbnb.

Summary

- Requiring a new CUO when these instances occur creates a consistent and predictable process that captures most changes and potential problems in the early stages.
- Allows staff to accurately track development and business activity in the city.
- Keeps the City's commitment to excellence and quality services by being proactive in engaging those who are contemplating opening a business or making an investment in our community.



File #: 21-03263

DATE: June 16, 2022
TO: Board of Mayor and Aldermen
FROM: Eric Stuckey, City Administrator
Kristine Brock, Asst. City Administrator/CFO
Brian Wilcox, Purchasing Manager

SUBJECT:

*Consideration Of Ordinance 2022-20, An Ordinance To Increase From \$25,000 To \$50,000 The Threshold Over Which Public Advertisement And Sealed Competitive Bids Or Proposals Are Required For Nonemergency, Nonproprietary Purchases.
Finance 6/16/22, 4-0

PURPOSE:

The purpose of this memorandum is to provide the Board of Mayor and Aldermen with information to consider an increase to the dollar amounts of the various purchasing thresholds now in effect as permitted by Tennessee law. Because the dollar amount required for public advertisement and competitive bidding is established in Sec. 5-502 of the City of Franklin Municipal Code, an ordinance is required to amend that provision.

BACKGROUND/STAFF COMMENTS:

Tennessee Code Annotated § 12-3-1212 has been amended by 2022 Public Chapter 1016, signed by the Governor on May 11, 2022, and now permits certain local governments, namely those with "centralized purchasing authority with a full-time purchasing agent," to increase to an amount not to exceed fifty thousand dollars (\$50,000) the threshold over which public advertisement and sealed competitive bids or proposals are required for nonemergency, nonproprietary purchases. The City of Franklin is one of the eligible local governments.

For the following reasons, staff recommends the Board of Mayor and Aldermen approve Ordinance No. 2022-20 which would increase from \$25,000 to \$50,000 the threshold over which public advertisement and sealed competitive bids or proposals is required for nonemergency, nonproprietary purchases:

1. While sealed bids and proposals is one means of establishing pricing, it is a more cumbersome process and therefore may preclude obtaining best pricing as soon as possible. As a rule, staff seeks to obtain the best pricing possible for all purchases.
2. There are times when writing specifications and taking bids or issuing a request for proposals is not practical, as for example when only one supplier of a product or service is available.

Raising the sealed bid/proposal threshold would increase the spectrum of purchases that may be handled without the need for a formal procurement process.

3. The dollar amount required for public advertisement and competitive bidding was last adjusted on November 23, 2010, effective July 1, 2011, by Ordinance No. 2010-72. The purchasing power of the dollar has been reduced by inflation since that time.
4. Raising the sealed bid/proposal threshold would allow City staff to focus more of its attention on higher valued purchases, thereby allowing for increased efficiency and effectiveness of the purchasing function.

The following table displays the current and proposed purchasing thresholds:

Provision	Current Threshold	Proposed Threshold
At the discretion of the department head, three quotes, if possible, may be obtained; otherwise, no formal requirement for competitive process	Up to \$10,000	Up to \$20,000
At the discretion of the department head or purchasing manager, sealed bids or proposals, pursuant or not to public notice, may be obtained; otherwise, obtain three quotes, if possible	At least \$10,000, up to \$25,000	At least \$20,000, up to \$50,000
Public notice and sealed bids or proposals required	At least \$25,000	At least \$50,000

Staff has prepared the attached Ordinance No. 2022-20 which, if approved, would, effective July 1, 2022 or upon passage, whichever is later, amend Sec. 5-502 of the Franklin Municipal Code by increasing from \$25,000 to \$50,000 the threshold over which public advertisement and sealed competitive bids or proposals is required for nonemergency, nonproprietary purchases. Please note that, because of how the state law is written, the dollar amount of purchases at or above which is required three quotes, if possible, would, if Ordinance No. 2022-20 is approved, automatically increase from \$10,000 to \$20,000, effective simultaneously.

FINANCIAL IMPACT:

Staff is not aware that the revisions proposed above would have a negative financial impact on the City.

RECOMMENDATION:

Staff recommends that the Board of Mayor and Aldermen approve Ordinance 2022-20 on First Reading.

ORDINANCE 2022-20

AN ORDINANCE TO INCREASE FROM \$25,000 TO \$50,000 THE THRESHOLD OVER WHICH PUBLIC ADVERTISEMENT AND SEALED COMPETITIVE BIDS OR PROPOSALS ARE REQUIRED FOR NONEMERGENCY, NONPROPRIETARY PURCHASES.

WHEREAS, the City of Franklin is subject to the provisions of Tennessee Code Annotated § 12-3-1201 *et seq.* (Public Property, Printing and Contracts – Public Purchases – Local Governments); and

WHEREAS, Tennessee Code Annotated § 12-3-1212 has been amended by 2022 Public Chapter 1016 of the Tennessee General Assembly, permitting certain local governments to increase the threshold over which public advertisement and sealed competitive bids or proposals are required for nonemergency, nonproprietary purchases to an amount not to exceed fifty thousand dollars (\$50,000); and

WHEREAS, the City of Franklin is one of the eligible local governments; and

WHEREAS, the Board of Mayor and Aldermen has determined that it is in the best interest of the City of Franklin to increase to the statutory limit said threshold applicable to the City.

NOW, THEREFORE:

SECTION I. BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, Tennessee, that Section 5-502 of the Franklin Municipal Code be deleted in its entirety and replaced with the following text:

Sec. 5-502. Public advertisement and sealed competitive bids and proposals. Pursuant to the authority granted to the City by Tennessee Code Annotated. § 12-3-1212, the threshold over which public advertisement and sealed competitive bids or proposals is required for nonemergency, nonproprietary purchases is hereby established to be \$50,000.

SECTION II. BE IT FURTHER ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, Tennessee, that this Ordinance shall take effect July 1, 2022, or upon passage on second reading, whichever is later, the public health, safety and welfare requiring it.

ATTEST:

CITY OF FRANKLIN, TENNESSEE

BY: _____
Eric S. Stuckey
City Administrator

BY: _____
Dr. Ken Moore
Mayor

Approved as to form:

Maricruz R. Fincher
Staff Attorney

PASSED FIRST READING

PASSED SECOND READING



File #: 21-03300

DATE: June 16, 2022

TO: Board of Mayor and Aldermen

FROM: Eric Stuckey, City Administrator
Shauna Billingsley, City Attorney
Kristine Brock, Asst. City Administrator/CFO
Mike Lowe, Comptroller

SUBJECT:

Consideration Of Resolution 2022-40, A Resolution To Rescind Certain Resolutions Granting Authority To The City Administrator And Replacing Said Resolutions As Well As Granting New Authorities To The City Administrator.
Finance 6/16/22, 4-0

PURPOSE:

The purpose of this memorandum is to provide information to the Franklin Board of Mayor and Aldermen (BOMA) concerning Resolution 2022-40.

BACKGROUND/STAFF COMMENTS:

The Tennessee legislature recently adjusted the threshold for public advertising and competitive bidding from \$25,000 to \$50,000, effective July 1, 2022. In the interest of maintaining efficiency throughout the City, this resolution seeks to rescind the previous authority provided to the City Administrator to execute contracts and perform duties on items less than or equal to \$25,000 and replace such authority with the authority to execute contracts and perform duties on items less than or equal to \$50,000. In the past, the Board of Mayor and Aldermen has chosen to match the State's threshold for advertising and public competitive bidding with the overall authority granted to the City Administrator to enter into contracts/agreements on behalf of the Board. Earlier this year, the Tennessee General Assembly acted to increase this threshold from \$25,000 to \$50,000. The authority was last changed by the State of Tennessee over 10 years ago. The City of Franklin last adjusted the threshold for City Administrator authority in 2011, following similar action by the State of Tennessee related to the competitive bidding threshold.

In addition to adjusting the threshold for authority of the City Administrator, Resolution 2022-40 is written to consolidate previously granted authority to the City Administrator and to have it stated in one resolution. The proposed resolution also allows the City Administrator to execute Parkland Impact Fee Agreements in which the property owner/developer is paying the fee only and provides the City Administrator with the authority to terminate agreements/contracts on behalf of the City.

The City Administrator will continue to report the actions taken on behalf of the Board on a regular basis through BOMA Meeting agendas to provide accountability back to the Board and the public.

FINANCIAL IMPACT:

There is no financial impact to this resolution.

RECOMMENDATION:

Staff recommends that the Board of Mayor and Aldermen approve Resolution 2022-40.

RESOLUTION 2022-40

A RESOLUTION TO RESCIND CERTAIN RESOLUTIONS GRANTING AUTHORITY TO THE CITY ADMINISTRATOR AND REPLACING SAID RESOLUTIONS AS WELL AS GRANTING NEW AUTHORITIES TO THE CITY ADMINISTRATOR

WHEREAS, over years, the Board of Mayor and Aldermen have granted certain authorities to the City Administrator piecemeal through several resolutions; and

WHEREAS, to aid City Staff to better locate the authorities granted it would be in the best interest of the City to rescind certain resolutions and combine them into one single resolution; and

WHEREAS, the resolutions which should be rescinded are as follows: 2012-05, 2015-20, 2018-80; and

WHEREAS, in 2012 the Board of Mayor and Aldermen granted the City Administrator authority to execute agreements and contracts up to \$25,000.00, which was at the time in keeping with legislation regarding bidding laws; and

WHEREAS, in this prior legislative session, a bill was passed that changed the \$25,000.00 threshold to \$50,000.00, and it would be in the best interest of the City to again mirror that legislation (Public Chapter 1016); and

WHEREAS, it was omitted from prior resolutions that the City Administrator should have the authority to terminate a contract pursuant to the terms of the agreement or contract if the City Administrator has the authority to enter into the agreement or contract; and

WHEREAS, it is proposed that the City Administrator have authority to execute parkland impact fee agreements that are fee only agreements; and

WHEREAS, the Board of Mayor and Aldermen believes it is in the best interest of the City of Franklin to rescind certain resolutions and restate the authorities granted and to grant additional authorities.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, TENNESSEE, AS FOLLOWS:

Section I: Resolutions 2012-05, 2015-20, 2018-80 are rescinded.

Section II: The City Administrator shall have the following duties and authorities:

1. Execute agreements or contracts that are valued up to \$50,000.00 for the full contract term.
2. Execute grant applications.
3. Execute Parkland Impact Fee Agreements that are fee only.
4. Overfill positions when needed to provide time for training when the current employee has noticed their intent to terminate employment or resign so long as the

overfill is budget neutral. Authority is granted to overfill up to 5 entry level police officer and firefighter positions.

5. Amend departmental organizational charts so long as the changes are budget neutral.
6. Negotiate and execute procurement contracts and agreements whenever the basis for pricing has been established by (a) the federal General Services Administration or the Tennessee Department of General Services, via contract accessible to local governments, (b) a purchasing cooperative that caters to local governments and is recognized by the City, unless prohibited by state law, or (c) by another Tennessee local governmental entity which has centralized purchasing authority and a full-time purchasing agent, pursuant to a competitive process involving public advertising and sealed submittals; provided the award is for a particular product, service, and/or scope of work, is for an established amount or unit pricing, and the contract is reported to the Board of Mayor and Aldermen at its next available meeting.
7. Terminate any agreements or contracts that have been executed and entered into by the City Administrator.

Section III: The City Administrator shall report all actions the City Administrator takes pursuant to this resolution to the Board of Mayor and Alderman on an agenda as soon as possible.

IT IS SO RESOLVED AND DONE on this ____ day of _____, 20__.

ATTEST:

CITY OF FRANKLIN, TENNESSEE:

By: _____
Eric S. Stuckey
City Administrator

By: _____
Dr. Ken Moore
Mayor

Approved as to Form:

By: _____
Shauna R. Billingsley
City Attorney



File #: 21-03266

DATE: June 17, 2022
TO: Board of Mayor and Aldermen
FROM: Eric Stuckey, City Administrator
Kristine Brock, Asst. City Administrator/CFO
Brian Wilcox, Purchasing Manager

SUBJECT:

Consideration Of Resolution 2022-41, A Resolution Adopting A Revised Purchasing Policy For City Of Franklin Procurements Not Pertaining To New Construction.
Finance 6/16/22, 4-0

PURPOSE:

The purpose of this memorandum is to present Resolution No. 2022-41, a resolution that would adopt a revised Purchasing Policy for City of Franklin procurements not pertaining to new construction.

BACKGROUND/STAFF COMMENTS:

Staff recommends several changes to the Purchasing Policy for City of Franklin procurements not pertaining to new construction as reflected in the attached document, as follows:

- to update the purchasing policy to reflect the new \$50,000 **threshold over which public advertisement and sealed competitive bids or proposals are required for nonemergency, nonproprietary purchases** as established by Ordinance 2022-20;
- to update the purchasing policy to reflect the new \$20,000 **threshold over which three quotes are required for purchases**;
- to clarify that the three quotes for purchases in the three-quote range are to be from different suppliers and service providers; and
- to otherwise update the policy.

Resolution No. 2022-41 as proposed, including the revised policy as proposed, is attached. Also attached is a red-lined version of the revised policy as proposed. This red-lined version has marked all recommended changes to the text of the policy.

FINANCIAL IMPACT:

Staff is not aware of any adverse financial impact of these proposed policy changes.

RECOMMENDATION:

Staff recommends the Board of Mayor and Aldermen approve Resolution No. 2022-41.

RESOLUTION 2022-41

A RESOLUTION ADOPTING A REVISED PURCHASING POLICY FOR CITY OF FRANKLIN, TENNESSEE, PROCUREMENTS NOT PERTAINING TO THE DESIGN AND/OR CONSTRUCTION OF NEW INFRASTRUCTURE AND FACILITIES

WHEREAS, in 2004, the Board of Mayor and Aldermen of the City of Franklin established methods to comply with the Municipal Purchasing Law of 1983, as amended, and to provide for a more formal process for the procurement of equipment, services, and materials for the operation of municipal government but not pertaining to the design and/or construction of new infrastructure and facilities; and

WHEREAS, on July 26, 2011, the Board of Mayor and Aldermen adopted Resolution No. 2011-26, a resolution adopting a revised purchasing policy for the City; and

WHEREAS, on January 14, 2014, the Board of Mayor and Aldermen adopted Resolution No. 2014-06, a resolution adopting a revised purchasing policy for the City; and

WHEREAS, on January 27, 2015, the Board of Mayor and Aldermen adopted Resolution No. 2014-90, a resolution adopting a revised purchasing policy for the City; and

WHEREAS, on June 28, 2016, the Board of Mayor and Aldermen adopted Resolution No. 2016-24, a resolution adopting a revised purchasing policy for the City; and

WHEREAS, on June 27, 2017, the Board of Mayor and Aldermen adopted Resolution No. 2017-41, a resolution adopting a revised purchasing policy for the City; and

WHEREAS, on June 26, 2018, the Board of Mayor and Aldermen adopted Resolution No. 2018-24, a resolution adopting a revised purchasing policy for the City; and

WHEREAS, on June 25, 2019, the Board of Mayor and Aldermen adopted Resolution No. 2019-49, a resolution adopting a revised purchasing policy for the City; and

WHEREAS, on September 24, 2019, the Board of Mayor and Aldermen adopted Resolution No. 2019-82, a resolution adopting a revised purchasing policy for the City; and

WHEREAS, on June 23, 2020, the Board of Mayor and Aldermen adopted Resolution No. 2020-69, a resolution adopting a revised purchasing policy for the City; and

WHEREAS, on January 12, 2021, the Board of Mayor and Aldermen adopted Resolution No. 2020-214, a resolution adopting a revised purchasing policy for the City; and

WHEREAS, on June 22, 2021, the Board of Mayor and Aldermen adopted Resolution No. 2021-91, a resolution adopting a revised purchasing policy for the City; and

WHEREAS, the Board of Mayor and Aldermen believes it is in the best interest of the City of Franklin for the purchasing policy to be further revised in order to reflect the new threshold over which public advertisement and sealed competitive bids or proposals are required for nonemergency, nonproprietary purchases as established by Ordinance 2022-20 and to otherwise update the policy.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, TENNESSEE, AS FOLLOWS:

Section 1. The purchasing policy for City of Franklin procurements not pertaining to new construction adopted by Resolution No. 2021-91, and all previous versions of that policy and any subsequent changes or revisions thereto, are hereby repealed in their entirety. In place thereof, the purchasing policy for City of Franklin procurements not pertaining to the design and/or construction of new infrastructure and facilities, attached as Exhibit A hereto, is adopted.

Section 2. The Purchasing Manager of the City shall be responsible for the administration and enforcement of the policy hereby adopted.

Section 3. Changes or revisions to the policy hereby adopted shall be made only by resolution of the Board of Mayor and Aldermen of the City of Franklin.

Section 4. The effective date of the policy hereby adopted shall be July 1, 2022, or the effective date of Ordinance No. 2022-20, whichever is later, the public welfare and the welfare of the City requiring it.

IT IS SO RESOLVED AND DONE on this _____ day of _____, 20____.

ATTEST:

CITY OF FRANKLIN, TENNESSEE:

By: _____

Eric S. Stuckey
City Administrator / City Recorder

By: _____

Dr. Ken Moore
Mayor

Approved as to Form:

By: _____

Maricruz R. Fincher
Staff Attorney



Purchasing Policy

for City of Franklin procurements not pertaining to new construction

A. General Provisions

This City of Franklin (“City”) Purchasing Policy shall apply to the purchase of materials, supplies, vehicles and equipment, the purchase of services other than those pertaining to the design and/or construction of new infrastructure and facilities, leases and lease-purchases, and the disposal and transfer of surplus personal property, all for the proper conduct of the City’s business.

All contracts, leases and lease-purchase agreements are subject to the approval of the Board of Mayor and Aldermen, unless otherwise provided by resolution or ordinance. Any contracts, leases and lease-purchase agreements extending beyond the end of the current fiscal year shall be so noted prior to consideration by the Board of Mayor and Aldermen.

Whenever the City undertakes its own competitive procurement process for the procurement of goods and/or services not pertaining to the design and/or construction of new infrastructure and facilities, then the City is hereby authorized to utilize the one or more of the following procurement methodologies best suited for the intended procurement:

- request for quotations (not for purchases valued at \$50,000 or more)
- solicitation for bids
- request for proposals
- request for qualifications

This Purchasing Policy is intended to promote the public interest and preserve and enhance the public trust by establishing a transparent procurement system by which the City conducts its non-construction related purchasing, and by providing vendors (including suppliers, service providers and contractors) with a fair forum for competing for City business.

B. Responsibilities of Departments

The following are the responsibility of each department:

1. Departments shall be responsible for purchases and projects valued less than \$50,000. (In the context of this Policy, whenever any dollar thresholds are referenced, the estimated total value of the purchase or project, including all components related thereto, either over the course of the term of the award or, in the absence of a term of award, over the course of the next twelve (12) months, shall be considered.)
2. Departments shall use pricing established pursuant to City procurement awards or Tennessee statewide contracts (SWCs) if and as available. The use of pricing established by cooperative purchasing arrangements approved by the City Administrator for use by the City, as well as pricing established by other Tennessee local governments pursuant to a competitive process involving “public advertisement” (hereby defined to mean the same as that term is used in T.C.A. § 6-56-301 *et seq.*, the Tennessee Municipal Purchasing Law of 1983, as it may be amended from time to time) and sealed submittals, are acceptable alternatives and may be used in lieu of competitive pricing established by the City or the State.
3. Departments shall coordinate with the Purchasing Office and/or the Finance Department as to the method of payment that best meets the needs of the City.

Purchasing Policy

for City of Franklin procurements not pertaining to new construction

4. Before placing an order for any non-emergency purchase valued at or greater than \$20,000, departments shall prepare and submit a requisition, on the form prescribed by the Purchasing Office, and await approval thereof. For orders for emergency purchases valued at or greater than \$20,000, the requisition may be completed within ten (10) calendar days after placing the order (see also provision D, “Circumstances under which competitive pricing is not required,” subsections 2 and 18, provision K, “Emergency Purchases,” and provision Y (“Emergency policies and procedures”)).
5. Purchases valued less than \$50,000 but not less than \$20,000 shall not be made unless and until, wherever possible, the department shall have obtained and forwarded to the Purchasing Manager competitive quotations from at least three (3) vendors, said quotations to be either supplied in writing by the vendor or reduced to writing by the department, accompanied by a tabulation of the comparative aspects of the quotations obtained, a recommendation as to which quotation should be accepted and a requisition for the recommended quotation. As an alternative to obtaining competitive quotes from at least three (3) vendors, departments may use any of the procurement methodologies approved for usage for purchases valued at \$50,000 or more.
6. All foreseeable purchases, including those valued less than \$20,000, should not be made unless and until the department head or his or her authorized representative is satisfied that the value of the purchase is fairly priced and not more than what would be expected in the current marketplace. At the discretion of the department head or his or her authorized representative, for foreseeable purchases valued less than \$20,000, the department should, whenever it is prudent to do so, obtain multiple competitive quotations, said quotations to be either supplied in writing by the vendor or reduced to writing by the department.
7. As soon as practicable but within ten (10) calendar days of receipt of items ordered, departments shall be responsible for verifying that the items conform to the order. The process for taking delivery of items is as follows:
 - a. Inspect the goods to verify that they are in acceptable condition.
 - b. Verify that all operating manuals and warranty cards are included in the delivery of the goods, if applicable.
 - c. Verify that the number of items ordered have been delivered, making special note when all or part of a particular order has been back-ordered.
 - d. Ensure that purchases of capital assets of the City have been properly reported, either directly or indirectly, to the Finance Department and the City’s Risk Manager and, if rolling stock, Fleet Maintenance, on forms prescribed by those respective offices, so that records of such purchases may be updated, insurance coverage may be obtained, and vehicle tags may be obtained, all in a timely manner.
8. Regardless of method of payment, departments shall be responsible for reviewing, approving and allocating to the proper budget code all invoices authorized for payment.
9. It shall be the responsibility of each department to allow time for competitive solicitation, ordering and delivery pursuant to this Purchasing Policy.
10. No employee shall make any indication that he/she will recommend a particular product for purchase, knowingly bind the City to a specific vendor, or make any representation as to his or her authority to bind the City by contract when such is not the case.

Purchasing Policy

for City of Franklin procurements not pertaining to new construction

C. Responsibilities of Purchasing Manager

The following are the responsibility of the Purchasing Manager:

1. The Purchasing Manager shall assist all departments in purchasing operating materials, supplies, vehicles, equipment and services to which this Purchasing Policy applies.
2. The Purchasing Manager shall be responsible for facilitating the competitive process by which all purchases to which this Purchasing Policy applies and valued at or greater than \$50,000 are made.
3. For all purchases to which this Purchasing Policy applies and valued at or greater than \$20,000, the Purchasing Manager shall advocate the purchase of required products and services only either from (a) the responsible bidder or quoter that submits the lowest priced responsive bid or quote or from (b) the responsible proposer or other respondent that submits the responsive proposal or other submittal that is most advantageous to the City.
4. The Purchasing Manager shall advise the departments about the source and availability of products and services needed by the various departments.
5. The Purchasing Manager shall provide current vendor files available for use and review by departments.
6. The Purchasing Manager shall, upon request, obtain prices on comparable items.
7. The Purchasing Manager shall provide vendor lists, prepare Purchase Orders as necessary, and maintain orderly files.
8. The Purchasing Manager shall be alert on an ongoing basis for new sources and for improved products and services.
9. The Purchasing Manager shall assist the departments in the preparation of specifications for solicitations for bids and the requirements provisions of requests for proposals and requests for qualifications.
10. For formal procurement solicitations, the Purchasing Manager shall prepare and submit for timely publication all legal notices. To promote competition and facilitate the dissemination of documents and information pertaining to formal procurement solicitations, the Purchasing Manager shall post on the City's public website timely information about current formal procurement solicitations.
11. The Purchasing Manager shall periodically review the City's recent records of repetitive purchases, over time, across the organization and across suppliers and service providers, of like products and services, and shall advocate the City consolidate and aggregate its purchase of as many foreseeably necessary like products and services as practicable so to improve pricing for the City, to improve services provided to the City, and/or to reduce the City's cost of operations.
12. To the extent practicable, the Purchasing Manager shall strive to apply procurement thresholds of the City by like product or service for all anticipated needs of the City for the maximum term of a prospective award.
13. The Purchasing Manager shall investigate complaints from departments of poor performance by vendors, or complaints about inferior products, and shall, in consultation with the City's Law Department, choose which, if any, remedies are available to the City to pursue.
14. The Purchasing Manager shall be responsible for disposing of the City's surplus personal property of any value, regardless of whether the property was acquired and came to be owned by the City by means of purchase or donation or otherwise, by means of a competitive process and in compliance with City ordinance, except in cases involving data security or other mitigating circumstances. The Purchasing Manager shall develop the appropriate documentation for the Finance Department in accordance with the City Code.
15. The Purchasing Manager shall be responsible for administering and overseeing the City's Purchasing Card program.

Purchasing Policy

for City of Franklin procurements not pertaining to new construction

16. The Purchasing Manager shall be responsible for otherwise administering and complying with this Purchasing Policy and applicable Tennessee state law, specifically T.C.A. § 6-56-301 *et seq.* (Tennessee Municipal Purchasing Law of 1983) and T.C.A. § 12-3-1201 *et seq.* (Public Purchases – Local Governments), as it may be amended from time to time, including keeping and filing required records and reports, as if they were set out herein and made a part hereof and within definitions of words and phrases from the law as herein defined.

D. Circumstances under which competitive pricing is not required

Under any of the following circumstances, competitive pricing (sealed bids or proposals pursuant to public advertising if valued at or greater than \$50,000; competitive quotes from at least three (3) vendors wherever possible if valued less than \$50,000 but not less than \$20,000) is not required. Under any of these same circumstances, neither individual authorization by nor specific reporting to the Board of Mayor and Aldermen is required unless such is otherwise required pursuant to this policy.

1. Authorized sole-source purchases (see provision L, “Sole-Source Purchases”).
2. Authorized emergency expenditures (see provision K, “Emergency Purchases”; see also provision D (“Circumstances under which competitive pricing is not required”), subsection 18, and provision Y (“Emergency policies and procedures”).
3. Purchases from instrumentalities created by two (2) or more cooperating governments, such as, but not limited to those established pursuant to T.C.A. § 12-9-101, *et seq.* (Life Cycle Cost and Procurement Act of 1978).
4. Purchases from non-profit corporations whose purpose or one of whose purposes is to provide products and services specifically to municipalities, as provided in T.C.A. § 6-56-302.
5. Purchases, leases or lease-purchases of real property, as provided by City ordinance and state law.
6. Purchases, leases, or lease-purchases of used or secondhand articles consisting of goods, equipment, materials, supplies, or commodities, as provided in T.C.A. § 12-3-1202.
7. Purchases of supplies, goods, equipment (except new or unused motor vehicles, unless the motor vehicles are manufactured for a special purpose as defined in T.C.A. § 12-3-1208) and/or services (except any transportation infrastructure project, including, but not limited to, projects for the construction or improvement of streets, highways, bridges, tunnels, or any roadway related facility), pricing for which has been established by other units of Tennessee local government, as provided in T.C.A. § 12-3-1203(a) and 12-3-1203(c).
8. Purchases pursuant to Tennessee Department of General Services statewide contracts (SWCs) authorized for use by Tennessee local governments.
9. Purchases from Tennessee Rehabilitative Initiative in Correction (TRICOR).
10. Professional service contracts, as provided in T.C.A. § 12-3-1209.
11. Other professional services, including actuarial, architectural design, financial and compliance audit, engineering design, financial advisory, legal counsel and medical.
12. Tort liability insurance, as provided in T.C.A. § 29-20-407.
13. Purchase of fuels, fuel products or perishable commodities, as provided in T.C.A. § 6-56-304.
14. Purchases based on contracts established by a cooperative purchasing arrangement recognized by the City pursuant to Resolution No. 2009-50, as provided in T.C.A. § 12-3-1205.
15. Purchases based on contracts established by the United States General Services Administration (GSA) and authorized by GSA for use by US local governments, except as may be prohibited by applicable Tennessee statute.
16. Other arrangements and methods pursuant to Tennessee and/or federal law.

Purchasing Policy

for City of Franklin procurements not pertaining to new construction

17. Fees paid by the City for products and services provided to the City by the State of Tennessee, other units of local government, and public utilities and utility districts.
18. Purchases made during a declared state of emergency that applies to the City but only if specific conditions prevent the establishment of competitive pricing; provided, however, that if the emergency purchase is valued at or greater than \$50,000 both the purchase and the specific conditions that prevented the establishment of competitive pricing shall, as soon as practicable, be reported to the Board of Mayor and Aldermen (see also provision D (“Circumstances under which competitive pricing is not required”), subsection 2, provision K, “Emergency Purchases”), and provision Y (“Emergency policies and procedures”).

E. Rejection of Bids, Proposals or Other Submittals

The Purchasing Manager shall recommend to the Board of Mayor and Aldermen to reject any and all bids, proposals or other submittals received pursuant to a formal procurement solicitation issued by the Purchasing Office, or parts thereof, for any product or service to which this Policy applies, whenever, prior to the Board of Mayor and Aldermen making an award pursuant to such a formal procurement solicitation, the Purchasing Manager believes the public interest would be best served by such rejection. The Purchasing Manager shall recommend to the Board of Mayor and Aldermen that it reject any such submittal of a vendor or contractor who is in default on the payment of taxes, licenses, fees or other monies of whatever nature that may be due the City by the vendor or contractor whenever, prior to the Board of Mayor and Aldermen making an award pursuant to such a formal procurement solicitation, the Purchasing Manager becomes aware of such default.

F. Conflict of Interest, Use of Position, Solicitation

There are several sources of law and regulations, as they may be amended from time to time, that apply to conflicts of interest, use of position and solicitation. They are incorporated by reference and adopted as if fully stated herein.

a. City Charter

Article VIII (“Finance”), Section 16 (“Officers not to be Interested in City Contracts or Work”) of the City of Franklin Charter reads as follows:

No member of the Board of Mayor and Aldermen, or officer elected by said Board, shall be interested in any contract, or work of any kind whatever, under its control and direction, and any contract in which any such person shall have an interest shall be void and cannot be enforced.

b. City of Franklin Municipal Code

Title 1 (“General Administration”), Chapter 8 (“Ethics”) of the City of Franklin Municipal Code sets forth the Code of Ethics for the City of Franklin, which applies to all full-time and part-time elective or appointed officials and employees of the City.

c. City of Franklin Regulations

Article XXI (“General Policies and Procedures”), Section E (“Business Dealings”), of the City of Franklin Human Resource Manual, as it may be amended from time to time, reads as follows:

Purchasing Policy

for City of Franklin procurements not pertaining to new construction

Except for the receipt of such compensation as may be lawfully provided for the performance of City duties, and except as noted below, no City officer or employee shall be privately interested in or profit, directly or indirectly, from business dealings with, of, or by the City.

Full-time, part-time, and temporary employees of the City may contract to supply goods and products to the City and/or render services for the City, provided:

1. any service that would be rendered must not be one the employee might provide in the normal scope of their regular duties;
2. the employee would be required to compete for the City's business in the same manner as any other prospective supplier or service provider;
3. the business relationship between the City and the employee must not present a conflict of interest nor a conflict of time with the employee's regular duties;
4. the business relationship between the City and the employee is not prohibited by the City's ethics policy; and
5. the business relationship between the City and the employee is authorized in advance by the City Administrator, and if the relationship is to be for more than one (1) year, it is annually re-authorized by the City Administrator.

Article XXI ("General Policies and Procedures"), Section I ("Use of Position"), of the City of Franklin Human Resource Manual, as it may be amended from time to time, reads in part as follows:

No employee shall make or attempt to make private purchases in the name of the City, nor otherwise use or attempt to use status as a City employee to secure unwarranted privileges or exemptions.

Article XXI ("General Policies and Procedures"), Section F ("Acceptance of Gratuities"), of the City's Human Resource Manual, as it may be amended from time to time, reads in part as follows:

No employee shall accept or solicit any money or other consideration or favor from anyone other than the City for the performance of an act that the officer or employee would be required or expected to perform in the regular course of employment; nor shall any officer or employee accept, directly or indirectly, any gift, gratuity, or favor of any kind that might reasonably be an attempt to influence the individual's actions with respect to City business.

d. Statutes

Certain Tennessee statutes may apply to purchases involving city officers, committee members, etc. Selected Tennessee statutes may be found in Appendix A to this Purchasing Policy attached hereto for reference.

G. City Officer and Employee Communication with Vendors During Formal Procurement Solicitations for Sealed Submittals

Between the time a formal procurement solicitation for sealed submittals is issued by the City and the time an award is made, members of the Board of Mayor and Aldermen as well as employees of the City shall refrain from any form of communication with one or more vendors that may be competing for the award about any aspect of the procurement other than either in the context of a public meeting or by way of the Purchasing Office. The foregoing is not meant to preclude a representative of the City from answering questions from vendors if the question is already addressed in the formal solicitation documents, if the City representative is certain of the correct answer

Purchasing Policy

for City of Franklin procurements not pertaining to new construction

and if the Purchasing Office is informed of the communication. Otherwise, any inquiries from one or more vendors that may be competing for such an award shall be directed to the Purchasing Office which shall determine if an addendum to the formal procurement solicitation should be prepared and issued to all vendors known or thought to be interested in the procurement opportunity. Vendors that may be competing for an award pursuant to a formal procurement solicitation shall be instructed that, until that award has been made, they shall not communicate about either the content of or the procurement process pertaining to the relevant formal procurement solicitation with any official, employee or other representative of the City except through the City's Purchasing Office. The City reserves the right to disqualify any vendor that initiates unauthorized communication with the City during the procurement phase.

H. City Officer and Employee Business Dealings with the City

See Article XXI ("General Policies and Procedures"), Section E ("Business Dealings"), of the City of Franklin Human Resources Manual.

See also Title 1 ("General Administration"), Chapter 8 ("Ethics"), of the City of Franklin Municipal Code.

I. Tie Bids and Tie Quotes

Whenever the City utilizes its own competitive process, and in the event of tie bids or tie quotes (that is, when two or more responsible bidders or quoters submit responsive bids or quotes at identical total pricing for the minimum or estimated quantity indicated), then the tie bids or tie quotes shall be broken by means of one of the following methods, in descending order:

1. The award shall be made to the vendor who bid or quoted the soonest delivery of the product or completion of the service of all the vendors submitting the tie bids or tie quotes.
2. The award shall be made to the vendor who offered the pricing for the longest period of time for potential future orders of all the vendors submitting the tie bids or tie quotes.
3. If one or more of the vendors submitting the tie bids or tie quotes competed for the City's business the last time the City solicited bids or quotes for the same product or service, then the award shall be made to the vendor who offered the lowest pricing at that time of all the vendors submitting the tie bids or tie quotes.
4. If one or more of the vendors submitting the tie bid or tie quote have done business with the City within the most recent 24 months, then the award shall be made to the vendor who has done the most business with the City (measured in dollars) in that time frame of all the vendors submitting the tie bids or tie quotes.
5. The award shall be made by means of random selection, such method to be administered by the Purchasing Manager and to give equal opportunity to all the vendors submitting the tie bids or tie quotes.

J. Determining Responsible Respondents and Responsive Submittals

Whenever the City utilizes its own competitive process, products and services shall be purchased either from (a) the responsible bidder or quoter that submits the lowest priced responsive bid or quote or from (b) the responsible proposer or other respondent that submits the responsive proposal or other submittal that is most advantageous to the City. (The term "responsible bidder or quoter" and the term "responsible proposer or other respondent" shall mean a business entity or individual determined by the City to have the integrity and reliability as well as the

Purchasing Policy

for City of Franklin procurements not pertaining to new construction

financial and technical capacity to perform the requirements of the procurement solicitation and subsequent contract. The term “responsive bid or quote” and the term “responsive proposal or other submittal” shall mean a submittal determined by the City to fully conform in all material respects to the procurement solicitation and all of its requirements, including all form and substance.) In determining whether a competing respondent is responsible and whether the submittal is responsive, criteria such as the following may be taken into consideration:

1. The ability of the competing vendor to perform the contract or provide the material or service required.
2. Whether the competing vendor can perform the contract or provide the service promptly, or within the time specified, without delay or interference.
3. The character, integrity, reputation, judgment, experience, expertise and efficiency of the competing vendor.
4. The previous and existing compliance by the competing vendor or a predecessor in interest with laws and ordinances relating to the contract or service.
5. The quality of the competing vendor’s performance of previous contracts or services, including the quality of such contracts or services in other municipalities, or performed for private sector customers.
6. The sufficiency of financial resources and the ability of the competing vendor to perform the contract or provide the service.
7. The ability of the competing vendor to provide future maintenance and service for the use of the materials, supplies, vehicles, equipment or contractual service contracted.
8. Compliance by the competing vendor with all specifications included in the solicitation for bids or with all requirements included in the request for proposals or request for qualifications.
9. The ability of the competing vendor to deliver and maintain any requisite bid bonds or performance bonds.

K. Emergency Purchases

When in the judgment of the City Administrator, the department head or the Purchasing Manager there exists an emergency impinging on public health, safety or welfare and a purchase valued at or greater than \$20,000 is necessary, then the competitive purchasing provisions contained in this Purchasing Policy may be waived; provided, however, that if the emergency purchase is valued at or greater than \$50,000 it shall, as soon as practicable, be reported to the Board of Mayor and Aldermen.

The emergency basis for pricing should be used only if necessary. Purchases that qualify as emergencies are to be based on emergency pricing only if another policy-compliant basis for pricing (e.g., federal General Services Administration (GSA) via GSA contract, State of Tennessee via Tennessee statewide contract (SWC), one of the cooperative purchasing arrangements recognized by the City) is not known to be available. (See also provision D (“Circumstances under which competitive pricing is not required”), subsections 2 and 18, and provision Y, “Emergency policies and procedures.”)

L. Sole-Source Purchases

In the context of this Policy, whenever any dollar thresholds are referenced, the estimated total value of the purchase or project, including all components related thereto, either over the course of the term of the award or, in the absence of a term of award, over the course of the next twelve (12) months, shall be considered. To the extent practicable, departments and the Purchasing Manager shall strive to apply procurement thresholds of the City by like product or service for all anticipated needs of the City for the maximum term of a prospective award.



Purchasing Policy

for City of Franklin procurements not pertaining to new construction

The sole-source basis for pricing should be used only if necessary or financially advantageous to the City. Except when financially advantageous to the City to do otherwise, purchases that qualify as sole-source are to be based on sole-source pricing only if another policy-compliant basis for pricing (e.g., federal General Services Administration (GSA) via GSA contract, State of Tennessee via Tennessee statewide contract (SWC), one of the cooperative purchasing arrangements recognized by the City) is not known to be available.

Sole-source purchases valued at less than \$20,000 may be authorized by the end-user department. Sole-source purchases valued at less than \$50,000 but not less than \$20,000 may be authorized by the Purchasing Manager upon being satisfied that it is not possible to obtain competitive quotations from at least three (3) vendors. Except as noted in this provision L (“Sole-Source Purchases”), sole-source purchases valued at or greater than \$50,000 may not be made unless and until individually authorized by the Board of Mayor and Aldermen. Authorized sole-source purchases do not require sealed bids or proposals pursuant to public advertising. The criteria for evaluating sole-source purchases valued at or greater than \$20,000 are presented in Appendix B to this Purchasing Policy. Sole-source purchases pertaining to circumstances under which sealed bids or proposals pursuant to public advertising are not required, as same are listed in provision D (“Circumstances under which competitive pricing is not required”), even if valued at or greater than \$50,000, require neither individual authorization by nor specific reporting to the Board of Mayor and Aldermen unless otherwise required to be authorized or reported pursuant to this policy.

Sole-source purchases valued at or greater than \$50,000 that do not require individual authorization by (but which shall, as soon as practicable, still be reported to) the Board of Mayor and Aldermen include:

- a. Repairs to, maintenance of, licenses for and/or maintenance agreements for products already in use by the City, so long as the product manufacturer representative has stated in writing that the vendor is the sole source available to the City, and so long as the vendor has stated in writing that the quoted pricing is the lowest municipal unit pricing available at that time and in the foreseeable future for the quantity indicated. Examples: engine repairs made by the manufacturer or the manufacturer’s representative for a vehicle; license and maintenance agreements for computer software.
- b. Purchases of items necessary to maintain, expand or improve a manufacturer-specific system already in use by the City, and/or another governmental agency with which the City must cooperate in order to provide the public service relevant to the proposed purchase, and that requires interchangeability or interconnectivity of and/or communication between the component parts, so long as the product manufacturer representative has stated in writing that the vendor is the sole source available to the City, and so long as the vendor has stated in writing that the quoted pricing is the lowest municipal unit pricing available at that time and in the foreseeable future for the quantity indicated. Examples: water meters and related parts; traffic signal equipment and related parts; athletic field lighting (and related parts) connected to a centralized master control; automated external defibrillators; cardiac monitors; telemetry/supervisory control and data acquisition equipment.
- c. Purchases of items that have, for good and sufficient reason, previously been standardized by the City, so long as the product manufacturer representative has stated in writing that the vendor is the sole source available to the City, and so long as the vendor has stated in writing that the quoted pricing is the lowest municipal unit pricing available at that time and in the foreseeable future for the quantity indicated. Examples: low-pressure

Purchasing Policy

for City of Franklin procurements not pertaining to new construction

wastewater collection grinder pumps and related parts; self-contained breathing apparatus; vehicle exhaust evacuation systems at individual fire stations, including installation if only one authorized installer is assigned to serve the City; vehicle extrication equipment.

M. Purchasing Card Program

The Purchasing Card Program shall be administered by the Purchasing Manager pursuant to procedures established therefor. Department heads shall determine which employees of their department shall be issued City purchasing cards. Employees who are authorized and expected to travel on behalf of the City and at the City's expense shall be issued purchasing cards and are expected to use same in lieu of being given travel advances.

Employees' participation in the City's Purchasing Card Program is a privilege and a convenience that includes certain responsibilities. Although the purchasing card is issued in the cardholder's name, it is City property and therefore must be used in accordance with City policy and rules, as well as with objectively reasonable judgment, especially as follows:

1. The City of Franklin Purchasing Card is provided to employees based on their need to purchase authorized goods and services. A card may be revoked at any time based on change of assignment or location. The card is neither an entitlement nor a reflection of title or position.
2. The card may be used only for authorized obligations of the City; use of the card for a purchase other than an authorized obligation of the City (such as personal purchases as well as alcoholic beverages and entertainment), even if intended for future reimbursement, are specifically prohibited.
3. Purchases made with the card are to comply with City purchasing and disbursements policies and procedures. Such City procurement rules as the need for procurement requisitions, the basis for pricing, contracting, whether a certificate of insurance is necessary to require of the service provider, adequacy of budgeted funding, and timing of payment relative to delivery of the product or service, all apply regardless of method of payment (such as by purchasing card).
4. The cardholder is the only person entitled to use the card and is accountable for all charges attributable to the card.
5. Cardholders are expected to exercise objectively reasonable judgment in deciding whether to make a purchase by considering (a) whether the potential purchase is prudent and necessary, and (b) whether the potential purchase would reflect well on the City and the cardholder, and be perceived by the general public as suitable and appropriate. Improper use of a City purchasing card, especially intentional and unreported but even unintentional and reported, including personal purchases as well as alcoholic beverages and entertainment, even if reimbursed, may be considered misappropriation of City funds, which may result in disciplinary action, up to and including termination.
6. Except for (a) purchases made outside Tennessee, (b) purchases of non-catered prepared meals, and (c) purchases related to travel, the City purchaser/cardholder is responsible for ensuring that the transaction is completed without sales tax being charged to the City. If a transaction has been completed on which sales tax was charged in error, then the cardholder is responsible for contacting the vendor and requesting that the amount of the sales tax be credited back to the same City purchasing card to which the sales tax was charged. Documentation of this effort, and of the vendor's response, shall be submitted in addition to the supporting documentation for the transaction.

Purchasing Policy

for City of Franklin procurements not pertaining to new construction

7. Cardholders are expected to comply with internal control procedures in order to protect the City's assets. This includes (a) not permitting anyone other than the cardholder to use the card; (b) making sure that each transaction is electronically processed in full and on time in the purchasing card expense reporting system utilized by the City; (c) keeping and submitting on time detailed invoices or itemized payment receipts that substantiate each and every charge attributed to the purchasing card issued to the cardholder; (d) assisting the City upon request with reconciling the City's billing cycle statements; and (e) taking reasonable precautions to secure the purchasing card against loss and/or theft.
8. If electronic processing of a purchasing card transaction is not completed by the deadline and the Purchasing Office has not been previously notified of the need for a delay, then the monthly credit limit for the respective purchasing card may be reduced to \$0 until the processing is complete. This consequence applies to any transaction that has not been coded, explained with a comment, and approved by the individual assigned to approve purchasing card transactions for that cardholder. Credit limits will be restored to the previous amounts once electronic processing is complete.
9. Failure to submit on time adequate and legible supporting documentation for each transaction or to otherwise comply with City rules will carry consequences, possibly including reduction or loss of card spend authority, reimbursement of the City by the employee for unauthorized and/or unsubstantiated purchases, and/or disciplinary action, up to and including termination.
10. Cardholders are responsible for cooperating with efforts by the City to resolve any discrepancies by contacting the vendor and/or the issuing bank.
11. A lost or stolen purchasing card shall, as soon as practicable upon discovery of the loss or theft, be reported to the City Purchasing Office and/or the issuing bank.
12. A cardholder must surrender his or her card upon termination of employment (i.e., retirement or voluntary or involuntary separation).

N. Payment for Purchases

All payments to vendors and service providers shall be made by one of the City's available methods of payment in accordance with City purchasing and disbursements policies and procedures.

O. Use of Internet Auctions for Purchases of City Property

The use of internet auctions is generally prohibited as a method for making City purchases unless specifically authorized in advance by the City Administrator.

P. Vendor Protests

Vendor protests shall be handled in accordance with the City's Vendor Protest Procedure for procurements not pertaining to new construction, as approved by resolution of the Board of Mayor and Aldermen.

Q. Disciplinary Action

Any employee who fails or refuses to comply with the provisions of this Purchasing Policy shall be subject to disciplinary action pursuant to and as provided in the Human Resources Manual, as it may be amended from time to time.

Purchasing Policy

for City of Franklin procurements not pertaining to new construction

R. Requests for Proposals

Requests for competitive sealed proposals shall be used pursuant to T.C.A. § 12-3-1207 and may be used only when qualifications, experience, or competence are more important than price in making the purchase, and either (1) when there is more than one (1) solution to a purchasing issue and competitive sealed proposals would assist in choosing the best solution; or (2) when there is no readily identifiable solution to a purchasing issue and competitive sealed proposals would assist in identifying one (1) or more solutions. The request for competitive sealed proposals shall state the relative importance of price and other evaluation factors. The award shall be made to the responsible respondent whose proposal the governing body determines is the most advantageous to the City, taking into consideration price and the evaluation factors set out in the request for competitive sealed proposals. No other factor may be used in the evaluation.

S. Requests for Qualifications

Requests for qualifications may be used pursuant to T.C.A. § 12-3-1209 for legal services, fiscal agent, financial advisor or advisory services and similar services by professional persons or groups of high ethical standards, or pursuant to T.C.A. § 12-4-107 for architectural, engineering and construction services.

T. Procurement of Property and/or Services under a Federal Award

When procuring property and/or services under a Federal award, the City shall follow applicable provisions of 2 CFR Chapter I and Chapter II, Part 200, et al. (“Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards; Final Rule”), as promulgated December 26, 2013 by Executive Office of the President, Office of Management and Budget, namely sections 200.318 (“General procurement standards”) through 200.326 (“Contract provisions”).

U. Requests to inspect and/or obtain either complete or partial copies of purchasing-related records

1. Sealed bids, requests received during protest period: After opening sealed bids submitted to and received by the City in response to a formal procurement solicitation for bids facilitated by the City Purchasing Office, but not later than the seventh calendar day after the City issues a notice of intent to award a pending procurement in response to such a procurement solicitation:
 - a. Requests by an Interested Party (as that term is defined in the City’s Vendor Protest Procedure) to inspect such bids shall be directed to and promptly honored by the City Purchasing Office at a time during normal business hours of the City Purchasing Office that is mutually convenient to both the City Purchasing Office and the requesting party.
 - b. Requests other than by an Interested Party (as that term is defined in the City’s Vendor Protest Procedure) to inspect, and requests by any party to obtain either complete or partial copies of such bids shall be made pursuant to the City’s public records request policy and procedure.
2. Sealed proposals and statements of qualifications and certain related records, requests received during protest period: After the City issues a notice of intent to award a pending procurement as a result of a formal procurement solicitation facilitated by the City Purchasing Office and involving a personal service, professional

Purchasing Policy

for City of Franklin procurements not pertaining to new construction

service, or consultant service request for proposals or request for qualifications solicitation that resulted in proposals or statements of qualifications having been submitted to and received by the City, but not later than the seventh calendar day after the City issues such a notice of intent to award:

- a. Requests by an Interested Party (as that term is defined in the City's Vendor Protest Procedure) to inspect such proposals and statements of qualifications, and related records, including, but not limited to, evaluations, names of evaluation committee members, and all related memoranda or notes, shall be directed to and promptly honored by the City Purchasing Office at a time during normal business hours of the City Purchasing Office that is mutually convenient to both the City Purchasing Office and the requesting party.
 - b. Requests other than by an Interested Party (as that term is defined in the City's Vendor Protest Procedure) to inspect, and requests by any party to obtain either complete or partial copies of such proposals and statements of qualifications, and related records, including, but not limited to, evaluations, names of evaluation committee members, and all related memoranda or notes, shall be made pursuant to the City's public records request policy and procedure.
3. Sealed submittals (except any that have been attached to a City contract that has been posted on the City's website), requests received after protest period: After the seventh calendar day after the City issues a notice of intent to award a pending procurement in response to a formal procurement solicitation facilitated by the City Purchasing Office, requests by any party to inspect and/or obtain either complete or partial copies of bids, proposals or other vendor submittals, except any such documents that have been attached to a City contract that has been posted on the City's website (see provision U ("Requests to inspect and/or obtain either complete or partial copies of purchasing-related records"), subsections 4.a and 4.b), shall be made pursuant to the City's public records request policy and procedure.
4. Other purchasing-related City records:
- a. Other than between the date when the City releases a formal solicitation for sealed competitive submittal and the date when the sealed competitive submittal is due to be submitted and opened for any like product or service, for any purchasing-related City record that has already been posted on the City's website (e.g., contract, staff memorandum of recommendation, tabulation of bids, tabulation of proposals, tabulation of submittals in response to a City request for qualifications), requests by any party to inspect and/or obtain either complete or partial copies of such records shall be directed to and promptly honored by the City Purchasing Office at a time during normal business hours of the City Purchasing Office that is mutually convenient to both the City Purchasing Office and the requesting party, and so honoring such a request may but need not involve the use of the City's public records request policy and procedure.
 - b. Between the date when the City releases a formal solicitation for sealed competitive submittal and the date when the sealed competitive submittal is due to be submitted and opened for any like product or service, for any purchasing-related City record that has already been posted on the City's website (e.g., contract, staff memorandum of recommendation, tabulation of bids, tabulation of proposals, tabulation of submittals in response to a City request for qualifications), requests by any party to inspect and/or obtain either complete or partial copies of such records shall be directed to and promptly honored by the City Purchasing Office in accordance with fair practices (e.g., timely preparation and issuance of an addendum with the requested record(s) attached) established by the City Purchasing Office, and so honoring such a request shall not involve the use of the City's public records request policy and procedure.
 - c. At any time, for all purchasing-related City records other than those pertaining to a formal procurement solicitation facilitated by the City Purchasing Office, requests by any party to inspect and/or obtain either



Purchasing Policy

for City of Franklin procurements not pertaining to new construction

complete or partial copies of such records shall be made pursuant to the City's public records request policy and procedure.

V. Multiple-Contract Awards

When advantageous to the City to do so, the City may issue multiple-contract awards, that is, contracts awarded to more than one supplier and/or service provider for comparable supplies and/or services, provided the provisions of this policy and relevant City procurement procedures pertaining to competitively established pricing apply for the total value of all contracts issued for the multiple-contract award.

W. Donated or below-market-priced products or services

If in the judgment of the department head or city administrator a potential donation or a product or service otherwise priced below market would be a benefit to the City, then the City may receive donated or below-market-priced products, whether new or used, or services, provided:

1. The transaction complies with provisions of this policy and relevant City procurement procedures pertaining to competitively established pricing for the transaction value of the donation.
2. The transaction is documented, such as by purchase order or other contract.
3. The transaction documentation states:
 - a. That the donation is offered free and clear to the City of Franklin, Tennessee without any expectation of any payment or service or any other consideration in return, including consideration for past or future procurements of or by the City.
 - b. That the donor is not entitled to, and shall not seek, any marketing or advertising or promotional privilege or benefit as a result of the donation.

This section does not pertain to sponsorships or other advertising sold and/or received by the City.

X. Trade-ins

The Franklin Municipal Code provision pertaining to the disposal of surplus personal property of the City does not pertain to any trade-in of a product owned by the City toward the purchase of another product provided the purchase of the other product complies with the provisions of this policy and relevant City procurement procedures pertaining to competitively established pricing for the value of the purchase before the value of any trade-in is applied.

Y. Emergency policies and procedures

During a declared state of emergency that applies to the City, the City Administrator may suspend this Purchasing Policy and/or the Purchasing Manager may suspend standard purchasing procedures administered by the Purchasing Manager and implement temporary policies and procedures as circumstances warrant; provided, however, (a) that any suspension of this Purchasing Policy, the rationale for such suspension and any temporary policies shall, as soon as practicable, be reported to the Board of Mayor and Aldermen, and (b) that, to the extent practicable, any such temporary policies and procedures shall deviate from this Purchasing Policy and such standard purchasing procedures no more than necessary under the circumstances. (See also provision D ("Circumstances under which competitive pricing is not required"), subsections 2 and 18, and provision K, "Emergency Purchases.")



Purchasing Policy

for City of Franklin procurements not pertaining to new construction

Z. Openings of sealed bids, proposals or other submittals

Sealed bids, proposals or other submittals received pursuant to a formal procurement solicitation issued by the Purchasing Office and pursuant to public advertising, if valued at or greater than \$50,000, shall be opened publicly and may be conducted either (1) in person only or (2) virtually only, by means of an online meeting application that includes both audio/video access via an internet link as well as audio-only access via telephone, rather than in person, or (3) both in person and virtually. How each opening is to be conducted shall be addressed in writing in the relevant procurement solicitation, including any addenda to the procurement solicitation that may be issued. Whenever the opening is conducted either virtually only or both in person and virtually, in order to reduce the opportunity for persons to use any online virtual meeting application as a means for disrupting the opening, the ability for persons attending virtually to be viewed and/or heard by other attendees of such opening may be restricted by, and granted only upon request approved by, the Purchasing Office.



Purchasing Policy

for City of Franklin procurements not pertaining to new construction

APPENDIX A

SELECTED TENNESSEE STATUTES APPLYING TO OFFICERS, COMMITTEE MEMBERS, ETC.

T.C.A. § 6-54-107. Interest of officer in municipal contracts prohibited.

- a. No person holding office under any municipal corporation shall, during the time for which such person was elected or appointed, be capable of contracting with such corporation for the performance of any work that is to be paid for out of the treasury. Nor shall such person be capable of holding or having any other direct interest in such a contract. “Direct interest” means any contract with any business in which the official is the sole proprietor, a partner, or the person having the controlling interest. “Controlling interest” includes the individual with the ownership or control of the largest number of outstanding shares owned by any single individual or corporation.
- b. No officer in a municipality shall be indirectly interested in any contract to which the municipality is a party unless the officer publicly acknowledges such officer’s interest. “Indirectly interested” means any contract in which the officer is interested but not directly so, but includes contracts where the officer is directly interested but is the sole supplier of goods or services in a municipality.
- c.
 1. Any member of a local governing body of a municipality who is also an employee of the same municipality may vote on matters in which such member has a conflict of interest if the member informs the governing body immediately prior to the vote as follows: “Because I am an employee of (name of governmental unit), I have a conflict of interest in the proposal about to be voted. However, I declare that my argument and my vote answer only to my conscience and to my obligation to my constituents and the citizens this body represents.”
 2. In the event a member of a local governing body of a municipality has a conflict of interest in a matter to be voted upon by the body, the member may abstain for cause by announcing such to the presiding officer. Any member of a local governing body of a municipality who abstains from voting for cause on any issue coming to a vote before the body shall not be counted for the purpose of determining a majority vote.
 3. The vote of any person having a conflict of interest who does not inform the governing body of such conflict as provided in subdivision (c)(1) shall be void if challenged in a timely manner. As used in this subdivision (c)(3), “timely manner” means during the same meeting at which the vote was cast and prior to the transaction of any further business by the body.
 4. Nothing in this subsection (c) alters, amends, or otherwise affects § 12-4-101(a). In the event of any conflict between this subsection (c) and § 12-4-101(a), § 12-4-101(a) shall prevail.
 5. The legislative body of any metropolitan form of government or charter form of government may opt out of this subsection (c) by resolution.



Purchasing Policy

for City of Franklin procurements not pertaining to new construction

T.C.A. § 6-54-108. Penalty for unlawful interest of officer.

Every officer of such corporation who shall unlawfully be concerned in making such contract, or who shall unlawfully pay money upon the same to or for any person declared incapable in § 6-54-107, shall forfeit the amount so paid; and such officer shall be jointly and severally liable to an action for the same, which action may be prosecuted by any citizen of the corporation in its name.

T.C.A. § 12-4-101. Personal interest of officers prohibited.

(a) (1) It is unlawful for any officer, committee member, director, or other person whose duty it is to vote for, let out, overlook, or in any manner to superintend any work or any contract in which any municipal corporation, county, state, development district, utility district, human resource agency, or other political subdivision created by statute shall or may be interested, to be directly interested in any such contract. “Directly interested” means any contract with the official personally or with any business in which the official is the sole proprietor, a partner, or the person having the controlling interest. “Controlling interest” includes the individual with the ownership or control of the largest number of outstanding shares owned by any single individual or corporation. This subdivision (a)(1) shall not be construed to prohibit any officer, committee person, director, or any person, other than a member of a local governing body of a county or municipality, from voting on the budget, appropriation resolution, or tax rate resolution, or amendments thereto, unless the vote is on a specific amendment to the budget or a specific appropriation or resolution in which such person is directly interested.

....

(b) It is unlawful for any officer, committee member, director, or other person whose duty it is to vote for, let out, overlook, or in any manner to superintend any work or any contract in which any municipal corporation, county, state, development district, utility district, human resource agency, or other political subdivision created by statute shall or may be interested, to be indirectly interested in any such contract unless the officer publicly acknowledges such officer’s interest. “Indirectly interested” means any contract in which the officer is interested but not directly so, but includes contracts where the officer is directly interested but is the sole supplier of goods or services in a municipality or county.

....

T.C.A. § 12-4-102. Penalty for unlawful interest.

Should any person, acting as such officer, committee member, director, or other person referred to in § 12-4-101, be or become directly or unlawfully indirectly interested in any such contract, such person shall forfeit all pay and compensation therefor. Such officer shall be dismissed from such office the officer then occupies, and be ineligible for the same or a similar position for ten (10) years.



Purchasing Policy

for City of Franklin procurements not pertaining to new construction

APPENDIX B

SOLE-SOURCE PURCHASES VALUED AT OR GREATER THAN \$20,000

Sole-source purchases valued at or greater than \$20,000 shall be made only when an item is unique and possesses specific characteristics that can be filled by only one source and must have prior approval by the Purchasing Manager or, if the purchase is valued at or greater than \$50,000, then the Board of Mayor and Aldermen except as detailed in provision L, "Sole-Source Purchases." In determining whether to authorize sole-source purchases valued at or greater than \$20,000, factors such as the following shall be considered:

1. whether the vendor possesses exclusive and/or predominant capabilities or the item contains a patented feature providing a superior utility not obtainable from similar products;
2. whether the product or service is unique and easily established as one-of-a-kind;
3. whether the program requirements can be modified so that competitive products or services may be used;
4. whether the product is available from only one source and not merchandised through wholesalers, jobbers or retailers; and
5. whether items must be interchangeable or compatible with in-place items.

After review of the written justification from the requisitioning department and ascertaining that the item to be purchased meets one or several of the above criteria, and so long as the product manufacturer representative has stated in writing that the vendor is the sole source available to the City, and so long as the vendor has stated in writing that the quoted pricing is the lowest municipal unit pricing available at that time and in the foreseeable future for the quantity indicated, then, in lieu of competitive purchasing procedures, the Purchasing Manager shall either authorize the sole-source purchase or, if the purchase is valued at or greater than \$50,000, then forward the request to the Board of Mayor and Aldermen for its consideration except as detailed in provision L, "Sole-Source Purchases."

Based in part on Rule No. 0690-3-1-.03(3) of Rules of the Tennessee Department of General Services, Purchasing Division.



Purchasing Policy

for City of Franklin procurements not pertaining to new construction

A. General Provisions

This City of Franklin (“City”) Purchasing Policy shall apply to the purchase of materials, supplies, vehicles and equipment, the purchase of services other than those pertaining to the design and/or construction of new infrastructure and facilities, leases and lease-purchases, and the disposal and transfer of surplus personal property, all for the proper conduct of the City’s business.

All contracts, leases and lease-purchase agreements are subject to the approval of the Board of Mayor and Aldermen, unless otherwise provided by resolution or ordinance. Any contracts, leases and lease-purchase agreements extending beyond the end of the current fiscal year shall be so noted prior to consideration by the Board of Mayor and Aldermen.

Whenever the City undertakes its own competitive procurement process for the procurement of goods and/or services not pertaining to the design and/or construction of new infrastructure and facilities, then the City is hereby authorized to utilize the one or more of the following procurement methodologies best suited for the intended procurement:

- request for quotations (not for purchases valued at ~~\$25,000~~\$50,000 or more)
- solicitation for bids
- request for proposals
- request for qualifications

This Purchasing Policy is intended to promote the public interest and preserve and enhance the public trust by establishing a transparent procurement system by which the City conducts its non-construction related purchasing, and by providing vendors (including suppliers, service providers and contractors) with a fair forum for competing for City business.

B. Responsibilities of Departments

The following are the responsibility of each department:

1. Departments shall be responsible for purchases and projects valued less than ~~\$25,000~~\$50,000. (In the context of this Policy, whenever any dollar thresholds are referenced, the estimated total value of the purchase or project, including all components related thereto, either over the course of the term of the award or, in the absence of a term of award, over the course of the next twelve (12) months, shall be considered.)
2. Departments shall use pricing established pursuant to City procurement awards or Tennessee statewide contracts (SWCs) if and as available. The use of pricing established by cooperative purchasing arrangements approved by the City Administrator for use by the City, as well as pricing established by other Tennessee local governments pursuant to a competitive process involving “public advertisement” (hereby defined to mean the same as that term is used in T.C.A. § 6-56-301 *et seq.*, the Tennessee Municipal Purchasing Law of 1983, as it may be amended from time to time) and sealed submittals, are acceptable alternatives and may be used in lieu of competitive pricing established by the City or the State.
3. Departments shall coordinate with the Purchasing Office and/or the Finance Department as to the method of payment that best meets the needs of the City.

Purchasing Policy

for City of Franklin procurements not pertaining to new construction

4. Before placing an order for any non-emergency purchase valued at or greater than ~~\$10,000~~\$20,000, departments shall prepare and submit a requisition, on the form prescribed by the Purchasing Office, and await approval thereof. For orders for emergency purchases valued at or greater than ~~\$10,000~~\$20,000, the requisition may be completed within ten (10) calendar days after placing the order (see also provision D, "Circumstances under which competitive pricing is not required," subsections 2 and 18, provision K, "Emergency Purchases," and provision Y ("Emergency policies and procedures")).
5. Purchases valued less than ~~\$25,000~~\$50,000 but not less than ~~\$10,000~~\$20,000 shall not be made unless and until, wherever possible, the department shall have obtained and forwarded to the Purchasing Manager competitive ~~pricing~~ quotations from at least three (3) vendors, said quotations to be either supplied in writing by the vendor or reduced to writing by the department, accompanied by a tabulation of the comparative aspects of the quotations obtained, a recommendation as to which quotation should be accepted and a requisition for the recommended quotation. As an alternative to obtaining ~~three-competitive~~ quotes from at least three (3) vendors, departments may use any of the procurement methodologies approved for usage for purchases valued at ~~\$25,000~~\$50,000 or more.
6. All foreseeable purchases, including those valued less than ~~\$10,000~~\$20,000, should not be made unless and until the department head or his or her authorized representative is satisfied that the value of the purchase is fairly priced and not more than what would be expected in the current ~~market-place~~marketplace. At the discretion of the department head or his or her authorized representative, for foreseeable purchases valued less than ~~\$10,000~~\$20,000, the department should, whenever it is prudent to do so, obtain multiple competitive ~~pricing~~ quotations, said quotations to be either supplied in writing by the vendor or reduced to writing by the department.
7. As soon as practicable but within ten (10) calendar days of receipt of items ordered, departments shall be responsible for verifying that the items conform to the order. The process for taking delivery of items is as follows:
 - a. Inspect the goods to verify that they are in acceptable condition.
 - b. Verify that all operating manuals and warranty cards are included in the delivery of the goods, if applicable.
 - c. Verify that the number of items ordered have been delivered, making special note when all or part of a particular order has been back-ordered.
 - d. Ensure that purchases of capital assets of the City have been properly reported, either directly or indirectly, to the Finance Department and the City's Risk Manager and, if rolling stock, Fleet Maintenance, on forms prescribed by those respective offices, so that records of such purchases may be updated, insurance coverage may be obtained, and vehicle tags may be obtained, all in a timely manner.
8. Regardless of method of payment, departments shall be responsible for reviewing, approving and allocating to the proper budget code all invoices authorized for payment.
9. It shall be the responsibility of each department to allow time for competitive solicitation, ordering and delivery pursuant to this Purchasing Policy.
10. No employee shall make any indication that he/she will recommend a particular product for purchase, knowingly bind the City to a specific vendor, or make any representation as to his or her authority to bind the City by contract when such is not the case.



Purchasing Policy

for City of Franklin procurements not pertaining to new construction

C. Responsibilities of Purchasing Manager

The following are the responsibility of the Purchasing Manager:

1. The Purchasing Manager shall assist all departments in purchasing operating materials, supplies, vehicles, equipment and services to which this Purchasing Policy applies.
2. The Purchasing Manager shall be responsible for facilitating the competitive process by which all purchases to which this Purchasing Policy applies and valued at or greater than ~~\$25,000~~\$50,000 are made.
3. For all purchases to which this Purchasing Policy applies and valued at or greater than ~~\$10,000~~\$20,000, the Purchasing Manager shall advocate the purchase of required products and services only either from (a) the responsible bidder or quoter that submits the lowest priced responsive bid or quote or from (b) the responsible proposer or other respondent that submits the responsive proposal or other submittal that is most advantageous to the City.
4. The Purchasing Manager shall advise the departments about the source and availability of products and services needed by the various departments.
5. The Purchasing Manager shall provide current vendor files available for use and review by departments.
6. The Purchasing Manager shall, upon request, obtain prices on comparable items.
7. The Purchasing Manager shall provide vendor lists, prepare Purchase Orders as necessary, and maintain orderly files.
8. The Purchasing Manager shall be alert on an ongoing basis for new sources and for improved products and services.
9. The Purchasing Manager shall assist the departments in the preparation of specifications for solicitations for bids and the requirements provisions of requests for proposals and requests for qualifications.
10. For formal procurement solicitations, the Purchasing Manager shall prepare and submit for timely publication all legal notices. To promote competition and facilitate the dissemination of documents and information pertaining to formal procurement solicitations, the Purchasing Manager shall post on the City's public website timely information about current formal procurement solicitations.
11. The Purchasing Manager shall periodically review the City's recent records of repetitive purchases, over time, across the organization and across suppliers and service providers, of like products and services, and shall advocate the City consolidate and aggregate its purchase of as many foreseeably necessary like products and services as practicable so to improve pricing for the City, to improve services provided to the City, and/or to reduce the City's cost of operations.
12. To the extent practicable, the Purchasing Manager shall strive to apply procurement thresholds of the City by like product or service for all anticipated needs of the City for the maximum term of a prospective award.
13. The Purchasing Manager shall investigate complaints from departments of poor performance by vendors, or complaints about inferior products, and shall, in consultation with the City's Law Department, choose which, if any, remedies are available to the City to pursue.
14. The Purchasing Manager shall be responsible for disposing of the City's surplus personal property of any value, regardless of whether the property was acquired and came to be owned by the City by means of purchase or donation or otherwise, by means of a competitive process and in compliance with City ordinance, except in cases involving data security or other mitigating circumstances. The Purchasing Manager shall develop the appropriate documentation for the Finance Department in accordance with the City Code.
15. The Purchasing Manager shall be responsible for administering and overseeing the City's Purchasing Card program.

Purchasing Policy

for City of Franklin procurements not pertaining to new construction

16. The Purchasing Manager shall be responsible for otherwise administering and complying with this Purchasing Policy and applicable Tennessee state law, specifically T.C.A. § 6-56-301 *et seq.* (Tennessee Municipal Purchasing Law of 1983) and T.C.A. § 12-3-1201 *et seq.* (Public Purchases – Local Governments), as it may be amended from time to time, including keeping and filing required records and reports, as if they were set out herein and made a part hereof and within definitions of words and phrases from the law as herein defined.

D. Circumstances under which competitive pricing is not required

Under any of the following circumstances, competitive pricing (sealed bids or proposals pursuant to public advertising if valued at or greater than ~~\$25,000~~\$50,000; ~~three-competitive~~ quotes from at least three (3) vendors wherever possible if valued less than ~~\$25,000~~\$50,000 but not less than ~~\$10,000~~\$20,000) is not required. Under any of these same circumstances, neither individual authorization by nor specific reporting to the Board of Mayor and Aldermen is required unless such is otherwise required pursuant to this policy.

1. Authorized sole-source purchases (see provision L, “Sole-Source Purchases”).
2. Authorized emergency expenditures (see provision K, “Emergency Purchases”; see also provision D (“Circumstances under which competitive pricing is not required”), subsection 18, and provision Y (“Emergency policies and procedures”).
3. Purchases from instrumentalities created by two (2) or more cooperating governments, such as, but not limited to those established pursuant to T.C.A. § 12-9-101, *et seq.* (Life Cycle Cost and Procurement Act of 1978).
4. Purchases from non-profit corporations whose purpose or one of whose purposes is to provide products and services specifically to municipalities, as provided in T.C.A. § 6-56-302.
5. Purchases, leases or lease-purchases of real property, as provided by City ordinance and state law.
6. Purchases, leases, or lease-purchases of used or secondhand articles consisting of goods, equipment, materials, supplies, or commodities, as provided in T.C.A. § 12-3-1202.
7. Purchases of supplies, goods, equipment (except new or unused motor vehicles, unless the motor vehicles are manufactured for a special purpose as defined in T.C.A. § 12-3-1208) and/or services (except any transportation infrastructure project, including, but not limited to, projects for the construction or improvement of streets, highways, bridges, tunnels, or any roadway related facility), pricing for which has been established by other units of Tennessee local government, as provided in T.C.A. § 12-3-1203(a) and 12-3-1203(c).
8. Purchases pursuant to Tennessee Department of General Services statewide contracts (SWCs) authorized for use by Tennessee local governments.
9. Purchases from Tennessee Rehabilitative Initiative in Correction (TRICOR).
10. Professional service contracts, as provided in T.C.A. § 12-3-1209.
11. Other professional services, including actuarial, architectural design, financial and compliance audit, engineering design, financial advisory, legal counsel and medical.
12. Tort liability insurance, as provided in T.C.A. § 29-20-407.
13. Purchase of fuels, fuel products or perishable commodities, as provided in T.C.A. § 6-56-304.
14. Purchases based on contracts established by a cooperative purchasing arrangement recognized by the City pursuant to Resolution No. 2009-50, as provided in T.C.A. § 12-3-1205.
15. Purchases based on contracts established by the United States General Services Administration (GSA) and authorized by GSA for use by US local governments, except as may be prohibited by applicable Tennessee statute.
16. Other arrangements and methods pursuant to Tennessee and/or federal law.

Purchasing Policy

for City of Franklin procurements not pertaining to new construction

17. Fees paid by the City for products and services provided to the City by the State of Tennessee, other units of local government, and public utilities and utility districts.
18. Purchases made during a declared state of emergency that applies to the City but only if specific conditions prevent the establishment of competitive pricing; provided, however, that if the emergency purchase is valued at or greater than ~~\$25,000~~\$50,000 both the purchase and the specific conditions that prevented the establishment of competitive pricing shall, as soon as practicable, be reported to the Board of Mayor and Aldermen (see also provision D (“Circumstances under which competitive pricing is not required”), subsection 2, provision K, “Emergency Purchases”), and provision Y (“Emergency policies and procedures”).

E. Rejection of Bids, Proposals or Other Submittals

The Purchasing Manager shall recommend to the Board of Mayor and Aldermen to reject any and all bids, proposals or other submittals received pursuant to a formal procurement solicitation issued by the Purchasing Office, or parts thereof, for any product or service to which this Policy applies, whenever, prior to the Board of Mayor and Aldermen making an award pursuant to such a formal procurement solicitation, the Purchasing Manager believes the public interest would be best served by such rejection. The Purchasing Manager shall recommend to the Board of Mayor and Aldermen that it reject any such submittal of a vendor or contractor who is in default on the payment of taxes, licenses, fees or other monies of whatever nature that may be due the City by the vendor or contractor whenever, prior to the Board of Mayor and Aldermen making an award pursuant to such a formal procurement solicitation, the Purchasing Manager becomes aware of such default.

F. Conflict of Interest, Use of Position, Solicitation

There are several sources of law and regulations, as they may be amended from time to time, that apply to conflicts of interest, use of position and solicitation. They are incorporated by reference and adopted as if fully stated herein.

a. City Charter

Article VIII (“Finance”), Section 16 (“Officers not to be Interested in City Contracts or Work”) of the City of Franklin Charter reads as follows:

No member of the Board of Mayor and Aldermen, or officer elected by said Board, shall be interested in any contract, or work of any kind whatever, under its control and direction, and any contract in which any such person shall have an interest shall be void and cannot be enforced.

b. City of Franklin Municipal Code

Title 1 (“General Administration”), Chapter 8 (“Ethics”) of the City of Franklin Municipal Code sets forth the Code of Ethics for the City of Franklin, which applies to all full-time and part-time elective or appointed officials and employees of the City.

c. City of Franklin Regulations

Article XXI (“General Policies and Procedures”), Section E (“Business Dealings”), of the City of Franklin Human Resource Manual, as it may be amended from time to time, reads as follows:

Purchasing Policy

for City of Franklin procurements not pertaining to new construction

Except for the receipt of such compensation as may be lawfully provided for the performance of City duties, and except as noted below, no City officer or employee shall be privately interested in or profit, directly or indirectly, from business dealings with, of, or by the City.

Full-time, part-time, and temporary employees of the City may contract to supply goods and products to the City and/or render services for the City, provided:

1. any service that would be rendered must not be one the employee might provide in the normal scope of their regular duties;
2. the employee would be required to compete for the City's business in the same manner as any other prospective supplier or service provider;
3. the business relationship between the City and the employee must not present a conflict of interest nor a conflict of time with the employee's regular duties;
4. the business relationship between the City and the employee is not prohibited by the City's ethics policy; and
5. the business relationship between the City and the employee is authorized in advance by the City Administrator, and if the relationship is to be for more than one (1) year, it is annually re-authorized by the City Administrator.

Article XXI ("General Policies and Procedures"), Section I ("Use of Position"), of the City of Franklin Human Resource Manual, as it may be amended from time to time, reads in part as follows:

No employee shall make or attempt to make private purchases in the name of the City, nor otherwise use or attempt to use status as a City employee to secure unwarranted privileges or exemptions.

Article XXI ("General Policies and Procedures"), Section F ("Acceptance of Gratuities"), of the City's Human Resource Manual, as it may be amended from time to time, reads in part as follows:

No employee shall accept or solicit any money or other consideration or favor from anyone other than the City for the performance of an act that the officer or employee would be required or expected to perform in the regular course of employment; nor shall any officer or employee accept, directly or indirectly, any gift, gratuity, or favor of any kind that might reasonably be an attempt to influence the individual's actions with respect to City business.

d. Statutes

Certain Tennessee statutes may apply to purchases involving city officers, committee members, etc. Selected Tennessee statutes may be found in Appendix A to this Purchasing Policy attached hereto for reference.

G. City Officer and Employee Communication with Vendors During Formal Procurement Solicitations for Sealed Submittals

Between the time a formal procurement solicitation for sealed submittals is issued by the City and the time an award is made, members of the Board of Mayor and Aldermen as well as employees of the City shall refrain from any form of communication with one or more vendors that may be competing for the award about any aspect of the procurement other than either in the context of a public meeting or by way of the Purchasing Office. The foregoing is not meant to preclude a representative of the City from answering questions from vendors if the question is already addressed in the formal solicitation documents, if the City representative is certain of the correct answer

Purchasing Policy

for City of Franklin procurements not pertaining to new construction

and if the Purchasing Office is informed of the communication. Otherwise, any inquiries from one or more vendors that may be competing for such an award shall be directed to the Purchasing Office which shall determine if an addendum to the formal procurement solicitation should be prepared and issued to all vendors known or thought to be interested in the procurement opportunity. Vendors that may be competing for an award pursuant to a formal procurement solicitation shall be instructed that, until that award has been made, they shall not communicate about either the content of or the procurement process pertaining to the relevant formal procurement solicitation with any official, employee or other representative of the City except through the City's Purchasing Office. The City reserves the right to disqualify any vendor that initiates unauthorized communication with the City during the procurement phase.

H. City Officer and Employee Business Dealings with the City

See Article XXI ("General Policies and Procedures"), Section E ("Business Dealings"), of the City of Franklin Human Resources Manual.

See also Title 1 ("General Administration"), Chapter 8 ("Ethics"), of the City of Franklin Municipal Code.

I. Tie Bids and Tie Quotes

Whenever the City utilizes its own competitive process, and in the event of tie bids or tie quotes (that is, when two or more responsible bidders or quoters submit responsive bids or quotes at identical total pricing for the minimum or estimated quantity indicated), then the tie bids or tie quotes shall be broken by means of one of the following methods, in descending order:

1. The award shall be made to the vendor who bid or quoted the soonest delivery of the product or completion of the service of all the vendors submitting the tie bids or tie quotes.
2. The award shall be made to the vendor who offered the pricing for the longest period of time for potential future orders of all the vendors submitting the tie bids or tie quotes.
3. If one or more of the vendors submitting the tie bids or tie quotes competed for the City's business the last time the City solicited bids or quotes for the same product or service, then the award shall be made to the vendor who offered the lowest pricing at that time of all the vendors submitting the tie bids or tie quotes.
4. If one or more of the vendors submitting the tie bid or tie quote have done business with the City within the most recent 24 months, then the award shall be made to the vendor who has done the most business with the City (measured in dollars) in that time frame of all the vendors submitting the tie bids or tie quotes.
5. The award shall be made by means of random selection, such method to be administered by the Purchasing Manager and to give equal opportunity to all the vendors submitting the tie bids or tie quotes.

J. Determining Responsible Respondents and Responsive Submittals

Whenever the City utilizes its own competitive process, products and services shall be purchased either from (a) the responsible bidder or quoter that submits the lowest priced responsive bid or quote or from (b) the responsible proposer or other respondent that submits the responsive proposal or other submittal that is most advantageous to the City. (The term "responsible bidder or quoter" and the term "responsible proposer or other respondent" shall mean a business entity or individual determined by the City to have the integrity and reliability as well as the

Purchasing Policy

for City of Franklin procurements not pertaining to new construction

financial and technical capacity to perform the requirements of the procurement solicitation and subsequent contract. The term “responsive bid or quote” and the term “responsive proposal or other submittal” shall mean a submittal determined by the City to fully conform in all material respects to the procurement solicitation and all of its requirements, including all form and substance.) In determining whether a competing respondent is responsible and whether the submittal is responsive, criteria such as the following may be taken into consideration:

1. The ability of the competing vendor to perform the contract or provide the material or service required.
2. Whether the competing vendor can perform the contract or provide the service promptly, or within the time specified, without delay or interference.
3. The character, integrity, reputation, judgment, experience, expertise and efficiency of the competing vendor.
4. The previous and existing compliance by the competing vendor or a predecessor in interest with laws and ordinances relating to the contract or service.
5. The quality of the competing vendor’s performance of previous contracts or services, including the quality of such contracts or services in other municipalities, or performed for private sector customers.
6. The sufficiency of financial resources and the ability of the competing vendor to perform the contract or provide the service.
7. The ability of the competing vendor to provide future maintenance and service for the use of the materials, supplies, vehicles, equipment or contractual service contracted.
8. Compliance by the competing vendor with all specifications included in the solicitation for bids or with all requirements included in the request for proposals or request for qualifications.
9. The ability of the competing vendor to deliver and maintain any requisite bid bonds or performance bonds.

K. Emergency Purchases

When in the judgment of the City Administrator, the department head or the Purchasing Manager there exists an emergency impinging on public health, safety or welfare and a purchase valued at or greater than ~~\$10,000~~\$20,000 is necessary, then the competitive purchasing provisions contained in this Purchasing Policy may be waived; provided, however, that if the emergency purchase is valued at or greater than ~~\$25,000~~\$50,000 it shall, as soon as practicable, be reported to the Board of Mayor and Aldermen.

The emergency basis for pricing should be used only if necessary. Purchases that qualify as emergencies are to be based on emergency pricing only if another policy-compliant basis for pricing (e.g., federal General Services Administration (GSA) via GSA contract, State of Tennessee via Tennessee statewide contract (SWC), one of the cooperative purchasing arrangements recognized by the City) is not known to be available. (See also provision D (“Circumstances under which competitive pricing is not required”), subsections 2 and 18, and provision Y, “Emergency policies and procedures.”)

L. Sole-Source Purchases

In the context of this Policy, whenever any dollar thresholds are referenced, the estimated total value of the purchase or project, including all components related thereto, either over the course of the term of the award or, in the absence of a term of award, over the course of the next twelve (12) months, shall be considered. To the extent practicable, departments and the Purchasing Manager shall strive to apply procurement thresholds of the City by like product or service for all anticipated needs of the City for the maximum term of a prospective award.



Purchasing Policy

for City of Franklin procurements not pertaining to new construction

The sole-source basis for pricing should be used only if necessary or financially advantageous to the City. Except when financially advantageous to the City to do otherwise, purchases that qualify as sole-source are to be based on sole-source pricing only if another policy-compliant basis for pricing (e.g., federal General Services Administration (GSA) via GSA contract, State of Tennessee via Tennessee statewide contract (SWC), one of the cooperative purchasing arrangements recognized by the City) is not known to be available.

Sole-source purchases valued at less than ~~\$10,000~~\$20,000 may be authorized by the end-user department. Sole-source purchases valued at less than ~~\$25,000~~\$50,000 but not less than ~~\$10,000~~\$20,000 may be authorized by the Purchasing Manager upon being satisfied that it is not possible to obtain competitive ~~pricing~~ quotations from at least three (3) vendors. Except as noted in this provision L ("Sole-Source Purchases"), sole-source purchases valued at or greater than ~~\$25,000~~\$50,000 may not be made unless and until individually authorized by the Board of Mayor and Aldermen. Authorized sole-source purchases do not require sealed bids or proposals pursuant to public advertising. The criteria for evaluating sole-source purchases valued at or greater than ~~\$10,000~~\$20,000 are presented in Appendix B to this Purchasing Policy. Sole-source purchases pertaining to circumstances under which sealed bids or proposals pursuant to public advertising are not required, as same are listed in provision D ("Circumstances under which competitive pricing is not required"), even if valued at or greater than ~~\$25,000~~\$50,000, require neither individual authorization by nor specific reporting to the Board of Mayor and Aldermen unless otherwise required to be authorized or reported pursuant to this policy.

Sole-source purchases valued at or greater than ~~\$25,000~~\$50,000 that do not require individual authorization by (but which shall, as soon as practicable, still be reported to) the Board of Mayor and Aldermen include:

- a. Repairs to, maintenance of, licenses for and/or maintenance agreements for products already in use by the City, so long as the product manufacturer representative has stated in writing that the vendor is the sole source available to the City, and so long as the vendor has stated in writing that the quoted pricing is the lowest municipal unit pricing available at that time and in the foreseeable future for the quantity indicated. Examples: engine repairs made by the manufacturer or the manufacturer's representative for a vehicle; license and maintenance agreements for computer software.
- b. Purchases of items necessary to maintain, expand or improve a manufacturer-specific system already in use by the City, and/or another governmental agency with which the City must cooperate in order to provide the public service relevant to the proposed purchase, and that requires interchangeability or interconnectivity of and/or communication between the component parts, so long as the product manufacturer representative has stated in writing that the vendor is the sole source available to the City, and so long as the vendor has stated in writing that the quoted pricing is the lowest municipal unit pricing available at that time and in the foreseeable future for the quantity indicated. Examples: water meters and related parts; traffic signal equipment and related parts; athletic field lighting (and related parts) connected to a centralized master control; automated external defibrillators; cardiac monitors; telemetry/supervisory control and data acquisition equipment.
- c. Purchases of items that have, for good and sufficient reason, previously been standardized by the City, so long as the product manufacturer representative has stated in writing that the vendor is the sole source available to the City, and so long as the vendor has stated in writing that the quoted pricing is the lowest municipal unit pricing available at that time and in the foreseeable future for the quantity indicated. Examples: low-pressure

Purchasing Policy

for City of Franklin procurements not pertaining to new construction

wastewater collection grinder pumps and related parts; self-contained breathing apparatus; vehicle exhaust evacuation systems at individual fire stations, including installation if only one authorized installer is assigned to serve the City; vehicle extrication equipment.

M. Purchasing Card Program

The Purchasing Card Program shall be administered by the Purchasing Manager pursuant to procedures established therefor. Department heads shall determine which employees of their department shall be issued City purchasing cards. Employees who are authorized and expected to travel on behalf of the City and at the City's expense shall be issued purchasing cards and are expected to use same in lieu of being given travel advances.

Employees' participation in the City's Purchasing Card Program is a privilege and a convenience that includes certain responsibilities. Although the purchasing card is issued in the cardholder's name, it is City property and therefore must be used in accordance with City policy and rules, as well as with objectively reasonable judgment, especially as follows:

1. The City of Franklin Purchasing Card is provided to employees based on their need to purchase authorized goods and services. A card may be revoked at any time based on change of assignment or location. The card is neither an entitlement nor a reflection of title or position.
2. The card may be used only for authorized obligations of the City; use of the card for a purchase other than an authorized obligation of the City (such as personal purchases as well as alcoholic beverages and entertainment), even if intended for future reimbursement, are specifically prohibited.
3. Purchases made with the card are to comply with City purchasing and disbursements policies and procedures. Such City procurement rules as the need for procurement requisitions, the basis for pricing, contracting, whether a certificate of insurance is necessary to require of the service provider, adequacy of budgeted funding, and timing of payment relative to delivery of the product or service, all apply regardless of method of payment (such as by purchasing card).
4. The cardholder is the only person entitled to use the card and is accountable for all charges attributable to the card.
5. Cardholders are expected to exercise objectively reasonable judgment in deciding whether to make a purchase by considering (a) whether the potential purchase is prudent and necessary, and (b) whether the potential purchase would reflect well on the City and the cardholder, and be perceived by the general public as suitable and appropriate. Improper use of a City purchasing card, especially intentional and unreported but even unintentional and reported, including personal purchases as well as alcoholic beverages and entertainment, even if reimbursed, may be considered misappropriation of City funds, which may result in disciplinary action, up to and including termination.
6. Except for (a) purchases made outside Tennessee, (b) purchases of non-catered prepared meals, and (c) purchases related to travel, the City purchaser/cardholder is responsible for ensuring that the transaction is completed without sales tax being charged to the City. If a transaction has been completed on which sales tax was charged in error, then the cardholder is responsible for contacting the vendor and requesting that the amount of the sales tax be credited back to the same City purchasing card to which the sales tax was charged. Documentation of this effort, and of the vendor's response, shall be submitted in addition to the supporting documentation for the transaction.

Purchasing Policy

for City of Franklin procurements not pertaining to new construction

7. Cardholders are expected to comply with internal control procedures in order to protect the City's assets. This includes (a) not permitting anyone other than the cardholder to use the card; (b) making sure that each transaction is electronically processed in full and on time in the purchasing card expense reporting system utilized by the City; (c) keeping and submitting on time detailed invoices or itemized payment receipts that substantiate each and every charge attributed to the purchasing card issued to the cardholder; (d) assisting the City upon request with reconciling the City's billing cycle statements; and (e) taking reasonable precautions to secure the purchasing card against loss and/or theft.
8. If electronic processing of a purchasing card transaction is not completed by the deadline and the Purchasing Office has not been previously notified of the need for a delay, then the monthly credit limit for the respective purchasing card may be reduced to \$0 until the processing is complete. This consequence applies to any transaction that has not been coded, explained with a comment, and approved by the individual assigned to approve purchasing card transactions for that cardholder. Credit limits will be restored to the previous amounts once electronic processing is complete.
9. Failure to submit on time adequate and legible supporting documentation for each transaction or to otherwise comply with City rules will carry consequences, possibly including reduction or loss of card spend authority, reimbursement of the City by the employee for unauthorized and/or unsubstantiated purchases, and/or disciplinary action, up to and including termination.
10. Cardholders are responsible for cooperating with efforts by the City to resolve any discrepancies by contacting the vendor and/or the issuing bank.
11. A lost or stolen purchasing card shall, as soon as practicable upon discovery of the loss or theft, be reported to the City Purchasing Office and/or the issuing bank.
12. A cardholder must surrender his or her card upon termination of employment (i.e., retirement or voluntary or involuntary separation).

N. Payment for Purchases

All payments to vendors and service providers shall be made by one of the City's available methods of payment in accordance with City purchasing and disbursements policies and procedures.

O. Use of Internet Auctions for Purchases of City Property

The use of internet auctions is generally prohibited as a method for making City purchases unless specifically authorized in advance by the City Administrator.

P. Vendor Protests

Vendor protests shall be handled in accordance with the City's Vendor Protest Procedure for procurements not pertaining to new construction, as approved by resolution of the Board of Mayor and Aldermen.

Q. Disciplinary Action

Any employee who fails or refuses to comply with the provisions of this Purchasing Policy shall be subject to disciplinary action pursuant to and as provided in the Human Resources Manual, as it may be amended from time to time.

Purchasing Policy

for City of Franklin procurements not pertaining to new construction

R. Requests for Proposals

Requests for competitive sealed proposals shall be used pursuant to T.C.A. § 12-3-1207 and may be used only when qualifications, experience, or competence are more important than price in making the purchase, and either (1) when there is more than one (1) solution to a purchasing issue and competitive sealed proposals would assist in choosing the best solution; or (2) when there is no readily identifiable solution to a purchasing issue and competitive sealed proposals would assist in identifying one (1) or more solutions. The request for competitive sealed proposals shall state the relative importance of price and other evaluation factors. The award shall be made to the responsible respondent whose proposal the governing body determines is the most advantageous to the City, taking into consideration price and the evaluation factors set out in the request for competitive sealed proposals. No other factor may be used in the evaluation.

S. Requests for Qualifications

Requests for qualifications may be used pursuant to T.C.A. § 12-3-1209 for legal services, fiscal agent, financial advisor or advisory services and similar services by professional persons or groups of high ethical standards, or pursuant to T.C.A. § 12-4-107 for architectural, engineering and construction services.

T. Procurement of Property and/or Services under a Federal Award

When procuring property and/or services under a Federal award, the City shall follow applicable provisions of 2 CFR Chapter I and Chapter II, Part 200, et al. (“Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards; Final Rule”), as promulgated December 26, 2013 by Executive Office of the President, Office of Management and Budget, namely sections 200.318 (“General procurement standards”) through 200.326 (“Contract provisions”).

U. Requests to inspect and/or obtain either complete or partial copies of purchasing-related records

1. Sealed bids, requests received during protest period: After opening sealed bids submitted to and received by the City in response to a formal procurement solicitation for bids facilitated by the City Purchasing Office, but not later than the seventh calendar day after the City issues a notice of intent to award a pending procurement in response to such a procurement solicitation:
 - a. Requests by an Interested Party (as that term is defined in the City’s Vendor Protest Procedure) to inspect such bids shall be directed to and promptly honored by the City Purchasing Office at a time during normal business hours of the City Purchasing Office that is mutually convenient to both the City Purchasing Office and the requesting party.
 - b. Requests other than by an Interested Party (as that term is defined in the City’s Vendor Protest Procedure) to inspect, and requests by any party to obtain either complete or partial copies of such bids shall be made pursuant to the City’s public records request policy and procedure.
2. Sealed proposals and statements of qualifications and certain related records, requests received during protest period: After the City issues a notice of intent to award a pending procurement as a result of a formal procurement solicitation facilitated by the City Purchasing Office and involving a personal service, professional

Purchasing Policy

for City of Franklin procurements not pertaining to new construction

service, or consultant service request for proposals or request for qualifications solicitation that resulted in proposals or statements of qualifications having been submitted to and received by the City, but not later than the seventh calendar day after the City issues such a notice of intent to award:

- a. Requests by an Interested Party (as that term is defined in the City's Vendor Protest Procedure) to inspect such proposals and statements of qualifications, and related records, including, but not limited to, evaluations, names of evaluation committee members, and all related memoranda or notes, shall be directed to and promptly honored by the City Purchasing Office at a time during normal business hours of the City Purchasing Office that is mutually convenient to both the City Purchasing Office and the requesting party.
 - b. Requests other than by an Interested Party (as that term is defined in the City's Vendor Protest Procedure) to inspect, and requests by any party to obtain either complete or partial copies of such proposals and statements of qualifications, and related records, including, but not limited to, evaluations, names of evaluation committee members, and all related memoranda or notes, shall be made pursuant to the City's public records request policy and procedure.
3. Sealed submittals (except any that have been attached to a City contract that has been posted on the City's website), requests received after protest period: After the seventh calendar day after the City issues a notice of intent to award a pending procurement in response to a formal procurement solicitation facilitated by the City Purchasing Office, requests by any party to inspect and/or obtain either complete or partial copies of bids, proposals or other vendor submittals, except any such documents that have been attached to a City contract that has been posted on the City's website (see provision U ("Requests to inspect and/or obtain either complete or partial copies of purchasing-related records"), subsections 4.a and 4.b), shall be made pursuant to the City's public records request policy and procedure.
4. Other purchasing-related City records:
- a. Other than between the date when the City releases a formal solicitation for sealed competitive submittal and the date when the sealed competitive submittal is due to be submitted and opened for any like product or service, for any purchasing-related City record that has already been posted on the City's website (e.g., contract, staff memorandum of recommendation, tabulation of bids, tabulation of proposals, tabulation of submittals in response to a City request for qualifications), requests by any party to inspect and/or obtain either complete or partial copies of such records shall be directed to and promptly honored by the City Purchasing Office at a time during normal business hours of the City Purchasing Office that is mutually convenient to both the City Purchasing Office and the requesting party, and so honoring such a request may but need not involve the use of the City's public records request policy and procedure.
 - b. Between the date when the City releases a formal solicitation for sealed competitive submittal and the date when the sealed competitive submittal is due to be submitted and opened for any like product or service, for any purchasing-related City record that has already been posted on the City's website (e.g., contract, staff memorandum of recommendation, tabulation of bids, tabulation of proposals, tabulation of submittals in response to a City request for qualifications), requests by any party to inspect and/or obtain either complete or partial copies of such records shall be directed to and promptly honored by the City Purchasing Office in accordance with fair practices (e.g., timely preparation and issuance of an addendum with the requested record(s) attached) established by the City Purchasing Office, and so honoring such a request shall not involve the use of the City's public records request policy and procedure.
 - c. At any time, for all purchasing-related City records other than those pertaining to a formal procurement solicitation facilitated by the City Purchasing Office, requests by any party to inspect and/or obtain either

Purchasing Policy

for City of Franklin procurements not pertaining to new construction

complete or partial copies of such records shall be made pursuant to the City's public records request policy and procedure.

V. Multiple-Contract Awards

When advantageous to the City to do so, the City may issue multiple-contract awards, that is, contracts awarded to more than one supplier and/or service provider for comparable supplies and/or services, provided the provisions of this policy and relevant City procurement procedures pertaining to competitively established pricing apply for the total value of all contracts issued for the multiple-contract award.

W. Donated or below-market-priced products or services

If in the judgment of the department head or city administrator a potential donation or a product or service otherwise priced below market would be a benefit to the City, then the City may receive donated or below-market-priced products, whether new or used, or services, provided:

1. The transaction complies with provisions of this policy and relevant City procurement procedures pertaining to competitively established pricing for the transaction value of the donation.
2. The transaction is documented, such as by purchase order or other contract.
3. The transaction documentation states:
 - a. That the donation is offered free and clear to the City of Franklin, Tennessee without any expectation of any payment or service or any other consideration in return, including consideration for past or future procurements of or by the City.
 - b. That the donor is not entitled to, and shall not seek, any marketing or advertising or promotional privilege or benefit as a result of the donation.

This section does not pertain to sponsorships or other advertising sold and/or received by the City.

X. Trade-ins

The Franklin Municipal Code provision pertaining to the disposal of surplus personal property of the City does not pertain to any trade-in of a product owned by the City toward the purchase of another product provided the purchase of the other product complies with the provisions of this policy and relevant City procurement procedures pertaining to competitively established pricing for the value of the purchase before the value of any trade-in is applied.

Y. Emergency policies and procedures

During a declared state of emergency that applies to the City, the City Administrator may suspend this Purchasing Policy and/or the Purchasing Manager may suspend standard purchasing procedures administered by the Purchasing Manager and implement temporary policies and procedures as circumstances warrant; provided, however, (a) that any suspension of this Purchasing Policy, the rationale for such suspension and any temporary policies shall, as soon as practicable, be reported to the Board of Mayor and Aldermen, and (b) that, to the extent practicable, any such temporary policies and procedures shall deviate from this Purchasing Policy and such standard purchasing procedures no more than necessary under the circumstances. (See also provision D ("Circumstances under which competitive pricing is not required"), subsections 2 and 18, and provision K, "Emergency Purchases.")



Purchasing Policy

for City of Franklin procurements not pertaining to new construction

Z. Openings of sealed bids, proposals or other submittals

Sealed bids, proposals or other submittals received pursuant to a formal procurement solicitation issued by the Purchasing Office and pursuant to public advertising, if valued at or greater than ~~\$25,000~~\$50,000, shall be opened publicly and may be conducted either (1) in person only or (2) virtually only, by means of an online meeting application that includes both audio/video access via an internet link as well as audio-only access via telephone, rather than in person, or (3) both in person and virtually. How each opening is to be conducted shall be addressed in writing in the relevant procurement solicitation, including any addenda to the procurement solicitation that may be issued. Whenever the opening is conducted either virtually only or both in person and virtually, in order to reduce the opportunity for persons to use any online virtual meeting application as a means for disrupting the opening, the ability for persons attending virtually to be viewed and/or heard by other attendees of such opening may be restricted by, and granted only upon request approved by, the Purchasing Office.



Purchasing Policy

for City of Franklin procurements not pertaining to new construction

APPENDIX A

SELECTED TENNESSEE STATUTES APPLYING TO OFFICERS, COMMITTEE MEMBERS, ETC.

T.C.A. § 6-54-107. Interest of officer in municipal contracts prohibited.

- a. No person holding office under any municipal corporation shall, during the time for which such person was elected or appointed, be capable of contracting with such corporation for the performance of any work that is to be paid for out of the treasury. Nor shall such person be capable of holding or having any other direct interest in such a contract. “Direct interest” means any contract with any business in which the official is the sole proprietor, a partner, or the person having the controlling interest. “Controlling interest” includes the individual with the ownership or control of the largest number of outstanding shares owned by any single individual or corporation.
- b. No officer in a municipality shall be indirectly interested in any contract to which the municipality is a party unless the officer publicly acknowledges such officer’s interest. “Indirectly interested” means any contract in which the officer is interested but not directly so, but includes contracts where the officer is directly interested but is the sole supplier of goods or services in a municipality.
- c.
 1. Any member of a local governing body of a municipality who is also an employee of the same municipality may vote on matters in which such member has a conflict of interest if the member informs the governing body immediately prior to the vote as follows: “Because I am an employee of (name of governmental unit), I have a conflict of interest in the proposal about to be voted. However, I declare that my argument and my vote answer only to my conscience and to my obligation to my constituents and the citizens this body represents.”
 2. In the event a member of a local governing body of a municipality has a conflict of interest in a matter to be voted upon by the body, the member may abstain for cause by announcing such to the presiding officer. Any member of a local governing body of a municipality who abstains from voting for cause on any issue coming to a vote before the body shall not be counted for the purpose of determining a majority vote.
 3. The vote of any person having a conflict of interest who does not inform the governing body of such conflict as provided in subdivision (c)(1) shall be void if challenged in a timely manner. As used in this subdivision (c)(3), “timely manner” means during the same meeting at which the vote was cast and prior to the transaction of any further business by the body.
 4. Nothing in this subsection (c) alters, amends, or otherwise affects § 12-4-101(a). In the event of any conflict between this subsection (c) and § 12-4-101(a), § 12-4-101(a) shall prevail.
 5. The legislative body of any metropolitan form of government or charter form of government may opt out of this subsection (c) by resolution.



Purchasing Policy

for City of Franklin procurements not pertaining to new construction

T.C.A. § 6-54-108. Penalty for unlawful interest of officer.

Every officer of such corporation who shall unlawfully be concerned in making such contract, or who shall unlawfully pay money upon the same to or for any person declared incapable in § 6-54-107, shall forfeit the amount so paid; and such officer shall be jointly and severally liable to an action for the same, which action may be prosecuted by any citizen of the corporation in its name.

T.C.A. § 12-4-101. Personal interest of officers prohibited.

(a) (1) It is unlawful for any officer, committee member, director, or other person whose duty it is to vote for, let out, overlook, or in any manner to superintend any work or any contract in which any municipal corporation, county, state, development district, utility district, human resource agency, or other political subdivision created by statute shall or may be interested, to be directly interested in any such contract. “Directly interested” means any contract with the official personally or with any business in which the official is the sole proprietor, a partner, or the person having the controlling interest. “Controlling interest” includes the individual with the ownership or control of the largest number of outstanding shares owned by any single individual or corporation. This subdivision (a)(1) shall not be construed to prohibit any officer, committee person, director, or any person, other than a member of a local governing body of a county or municipality, from voting on the budget, appropriation resolution, or tax rate resolution, or amendments thereto, unless the vote is on a specific amendment to the budget or a specific appropriation or resolution in which such person is directly interested.

....

(b) It is unlawful for any officer, committee member, director, or other person whose duty it is to vote for, let out, overlook, or in any manner to superintend any work or any contract in which any municipal corporation, county, state, development district, utility district, human resource agency, or other political subdivision created by statute shall or may be interested, to be indirectly interested in any such contract unless the officer publicly acknowledges such officer’s interest. “Indirectly interested” means any contract in which the officer is interested but not directly so, but includes contracts where the officer is directly interested but is the sole supplier of goods or services in a municipality or county.

....

T.C.A. § 12-4-102. Penalty for unlawful interest.

Should any person, acting as such officer, committee member, director, or other person referred to in § 12-4-101, be or become directly or unlawfully indirectly interested in any such contract, such person shall forfeit all pay and compensation therefor. Such officer shall be dismissed from such office the officer then occupies, and be ineligible for the same or a similar position for ten (10) years.



Purchasing Policy

for City of Franklin procurements not pertaining to new construction

APPENDIX B

SOLE-SOURCE PURCHASES VALUED AT OR GREATER THAN ~~\$10,000~~\$20,000

Sole-source purchases valued at or greater than ~~\$10,000~~\$20,000 shall be made only when an item is unique and possesses specific characteristics that can be filled by only one source and must have prior approval by the Purchasing Manager or, if the purchase is valued at or greater than ~~\$25,000~~\$50,000, then the Board of Mayor and Aldermen except as detailed in provision L, "Sole-Source Purchases." In determining whether to authorize sole-source purchases valued at or greater than ~~\$10,000~~\$20,000, factors such as the following shall be considered:

1. whether the vendor possesses exclusive and/or predominant capabilities or the item contains a patented feature providing a superior utility not obtainable from similar products;
2. whether the product or service is unique and easily established as one-of-a-kind;
3. whether the program requirements can be modified so that competitive products or services may be used;
4. whether the product is available from only one source and not merchandised through wholesalers, jobbers or retailers; and
5. whether items must be interchangeable or compatible with in-place items.

After review of the written justification from the requisitioning department and ascertaining that the item to be purchased meets one or several of the above criteria, and so long as the product manufacturer representative has stated in writing that the vendor is the sole source available to the City, and so long as the vendor has stated in writing that the quoted pricing is the lowest municipal unit pricing available at that time and in the foreseeable future for the quantity indicated, then, in lieu of competitive purchasing procedures, the Purchasing Manager shall either authorize the sole-source purchase or, if the purchase is valued at or greater than ~~\$25,000~~\$50,000, then forward the request to the Board of Mayor and Aldermen for its consideration except as detailed in provision L, "Sole-Source Purchases."

Based in part on Rule No. 0690-3-1-.03(3) of Rules of the Tennessee Department of General Services, Purchasing Division.



File #: 21-03267

DATE: June 17, 2022
TO: Board of Mayor and Aldermen
FROM: Eric Stuckey, City Administrator
Kristine Brock, Asst. City Administrator/CFO
Brian Wilcox, Purchasing Manager

SUBJECT:

Consideration Of Resolution 2022-42, A Resolution Adopting A Revised Vendor Protest Procedure For City Of Franklin Procurements Not Pertaining To New Construction.
Finance 6/16/22, 4-0

PURPOSE:

The purpose of this memorandum is to present Resolution No. 2022-42, a resolution adopting a revised Vendor Protest Procedure for City of Franklin procurements not pertaining to new construction.

BACKGROUND/STAFF COMMENTS:

The City's Vendor Protest Procedure was last updated on January 12, 2021 by means of Resolution No. 2020-216. Staff recommends the Vendor Protest Procedure be further revised as follows:

- to update the Vendor Protest Procedure to reflect the new \$50,000 threshold over which public advertisement and sealed competitive bids or proposals are required for nonemergency, nonproprietary purchases as established by Ordinance 2022-20;
- to designate the City Administrator instead of a panel to hear appeals of purchasing manager decisions pertaining to bid protests;
- to clarify deadlines for submitting and acting on protests and appeals of purchasing manager decisions pertaining to bid protests; and
- to otherwise update the policy.

Resolution No. 2022-42 as proposed, including the revised Vendor Protest Procedure as proposed, is attached. Also attached is a red-lined version of the revised Vendor Protest Procedure as proposed. This red-lined version has marked all recommended changes to the text of the Vendor Protest Procedure.

FINANCIAL IMPACT:

Staff is not aware of any financial impact of approving the proposed revisions to the City's Vendor Protest Procedure.

RECOMMENDATION:

Staff recommends that the Board of Mayor and Aldermen approve Resolution 2022-42.

RESOLUTION 2022-42

A RESOLUTION ADOPTING A REVISED VENDOR PROTEST PROCEDURE FOR CITY OF FRANKLIN, TENNESSEE, PROCUREMENTS NOT PERTAINING TO THE DESIGN AND/OR CONSTRUCTION OF NEW INFRASTRUCTURE AND FACILITIES

WHEREAS, on March 8, 2011, the Board of Mayor and Aldermen of the City of Franklin adopted Resolution No. 2011-10, a resolution adopting a vendor protest procedure for City procurements not pertaining to new construction; and

WHEREAS, on January 14, 2014, the Board of Mayor and Aldermen of the City of Franklin adopted Resolution No. 2014-07, a resolution adopting a vendor protest procedure for City procurements not pertaining to new construction; and

WHEREAS, on June 27, 2017, the Board of Mayor and Aldermen of the City of Franklin adopted Resolution No. 2017-42, a resolution adopting a vendor protest procedure for City procurements not pertaining to new construction; and

WHEREAS, on September 24, 2019, the Board of Mayor and Aldermen of the City of Franklin adopted Resolution No. 2019-80, a resolution adopting a vendor protest procedure for City procurements not pertaining to new construction; and

WHEREAS, on January 12, 2021, the Board of Mayor and Aldermen of the City of Franklin adopted Resolution No. 2020-216, a resolution adopting a vendor protest procedure for City procurements not pertaining to new construction; and

WHEREAS, the Board of Mayor and Aldermen believes it is in the best interest of the City of Franklin to implement a revised procedure for evaluating and responding to vendor protests for procurements not pertaining to the design and/or construction of new infrastructure and facilities in order to update the vendor protest procedure.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, TENNESSEE, AS FOLLOWS:

Section 1. The vendor protest procedure for City procurements not pertaining to new construction adopted by Resolution No. 2020-216, and any and all subsequent changes or revisions, are hereby repealed in their entirety. In place thereof, the vendor protest procedure for City of Franklin procurements not pertaining to the design and/or construction of new infrastructure and facilities, attached as Exhibit A hereto, is adopted.

Section 2. Changes or revisions to the procedure hereby adopted shall be made only by resolution of the Board of Mayor and Aldermen of the City of Franklin.

Section 3. The procedure hereby adopted shall become effective July 1, 2022, or the effective date of Ordinance No. 2022-20, whichever is later, the public welfare and the welfare of the City requiring it.

IT IS SO RESOLVED AND DONE on this _____ day of _____, 20____.

ATTEST:

CITY OF FRANKLIN, TENNESSEE:

By: _____

Eric S. Stuckey
City Administrator / City Recorder

By: _____

Dr. Ken Moore
Mayor

Approved as to Form:

By: _____

Maricruz R. Fincher
Staff Attorney

Vendor Protest Procedure

for City of Franklin procurements not pertaining to the design and/or construction of new infrastructure and facilities

The City of Franklin (“City”) recognizes that vendors (including suppliers, service providers and contractors) may, from time to time, feel compelled to lodge a formal protest about some aspect of a City procurement of goods and/or services not pertaining to the design and/or construction of new infrastructure and facilities. In order to promote fair and transparent competitive purchasing, and in order to have a procedure to follow if and when the need arises, the City’s Board of Mayor and Aldermen (“Board”) therefore establishes a procedure for evaluating and responding to Vendor Protests for procurements not pertaining to the design and/or construction of new infrastructure and facilities. This procedure is limited to City procurements (a) that do not pertain to the design and/or construction of new infrastructure and facilities, (b) that are competitively solicited by the City pursuant to public advertisement and sealed submittals, and (c) for which the value of the award is or would be equal to or greater than \$50,000. Procurements that do pertain to the design and/or construction of new infrastructure and facilities are facilitated by the City’s Engineering Department, and any vendor wishing to lodge a protest about a City procurement pertaining to such construction-related purchases should contact the Engineering Department directly.

This Vendor Protest procedure is a mandatory administrative procedure which all aggrieved actual or prospective vendors must utilize and exhaust prior to seeking judicial review or remedy.

For the purposes of this procedure, the City defines the following terms:

- A “Vendor Protest” is a written objection by an Interested Party to a solicitation issued by the City for sealed bids, proposals, offers, statements of qualifications or other submittals, pursuant to public advertisement, in anticipation of a proposed contract for the procurement of goods or services not pertaining to the design and/or construction of new infrastructure and facilities and for which the value of the award is or would be equal to or greater than \$50,000, or a written objection by an Interested Party to a proposed award of such a contract.
- An “Interested Party” is an actual or prospective vendor whose direct economic interest would be affected by the award of a contract for the procurement of goods or services not pertaining to the design and/or construction of new infrastructure and facilities that are competitively bid by the City and where the value of the award is or would be equal to or greater than \$50,000 or by the failure to award such a contract.
- A “Protestor” is an Interested Party who files a Vendor Protest.

A Vendor Protest:

- shall be in writing;
- shall be addressed and directed to the City’s Purchasing Manager except in the case of Vendor Protests pertaining to requests for proposals issued by the City when an aggrieved proposer is protesting the intended award to another proposer in which case, pursuant to T.C.A. § 12-3-1207(d), the Vendor Protest shall be addressed to the Board c/o the City Attorney;
- may be delivered electronically or otherwise;
- must be received by the City by the applicable deadline listed below;
- shall include the name and address of the Protestor;
- shall reference the relevant procurement solicitation issued by the City;
- shall include a statement of reason for the Vendor Protest, including allegations and evidence sufficient, if uncontradicted, to establish the likelihood of:

- a material deficiency or impropriety in the procurement solicitation issued by the City, such as:
 - a material defect to the procurement solicitation that caused or would cause a result other than in the absence of such defect and the consequence of which is significant;
 - some aspect of the procurement solicitation that created an unfair and material advantage to one or more prospective respondents to the procurement solicitation; or
 - a material violation of a relevant provision of one or more of the following:
 - a City procedure, policy, resolution, ordinance or other regulation governing the procurement; and/or
 - a state law, federal statute or other regulation governing the procurement;
 - a material error or impropriety in the proposed or actual award of a contract or other procurement decision, such as:
 - an allegation that a procurement is not exempt from the City's standard competitive procurement procedures when such an exemption is claimed by the City;
 - a material error of judgment or fact in evaluating one or more of the responses to the procurement solicitation; or
 - a material violation of a relevant provision of one or more of the following:
 - the respective procurement solicitation issued by the City;
 - a City procedure, policy, resolution, ordinance or other regulation governing the procurement; and/or
 - a state law, federal statute or other regulation governing the procurement.
- may include supporting documents, exhibits, or evidence to substantiate the Vendor Protest;
 - shall include a proposed remedy and an explanation of why the proposed remedy should be accepted by the City; and
 - shall be signed by the protester.

A Vendor Protest to either a procurement solicitation or a proposed award must be filed by the following applicable deadline:

- A Vendor Protest against an alleged procurement solicitation deficiency or impropriety must be filed prior to the deadline for responding to the solicitation or, if there is no such deadline, within seven (7) calendar days of the date the Protestor first becomes aware of the City's solicitation.
- A Vendor Protest against a proposed award must be filed within seven (7) calendar days of the date the Protestor is notified by the City of the intent to award or the date the intent to award is posted on the City's website, whichever occurs earlier.

In the case of a Vendor Protest against a proposed award, the Protestor must direct copies of its Vendor Protest to any and all other parties who have responded to the same procurement solicitation and who have a direct economic interest in the outcome of the Vendor Protest, and must submit proof that such copies have been so provided. Failure to submit such proof shall result in dismissal of the Vendor Protest. The other parties shall be permitted to respond in writing to the Vendor Protest, provided that such response shall be submitted within seven (7) calendar days after the other parties' receipt of the copy of the Vendor Protest. The other parties shall also be permitted to participate in any in-person or virtual meetings conducted by the City in regard to the Vendor Protest.

Upon receipt of a timely Vendor Protest, the City shall not proceed further with either the procurement solicitation or the award of the contract unless the City Administrator makes a written determination that so proceeding without delay is necessary to protect the public health, safety or welfare of the City.

Except in the case of Vendor Protests pertaining to requests for proposals issued by the City when an aggrieved proposer is protesting the intended award to another proposer, the following steps shall be followed for formal protests not pertaining to the design and/or construction of new infrastructure and facilities:

- In the case of a Vendor Protest against an alleged procurement solicitation deficiency or impropriety, the Purchasing Manager shall respond in writing to the Vendor Protest within ten (10) City business days of receipt of the Vendor Protest.
- In the case of a Vendor Protest against a proposed award, the Purchasing Manager shall respond in writing to the Vendor Protest within fifteen (15) City business days of receipt of the Vendor Protest.
- The Purchasing Manager shall consider the Vendor Protest and issue a determination in writing. The Purchasing Manager may:
 - determine that the Vendor Protest does not merit a revision of the City action or decision being protested; or
 - determine that the Vendor Protest does merit a revision of the City action or decision being protested and proceed accordingly to take corrective action, which may include recommending the City cancel the procurement solicitation, recommending the City reject any and all responses to the solicitation, recommending the City award the procurement to a different respondent, and/or recommending the City start over with a new procurement solicitation.
- If the vendor is dissatisfied with the Purchasing Manager's decision, then the vendor may, within seven (7) calendar days of receipt of the Purchasing Manager's decision, appeal in writing that the matter be considered by the City Administrator. The appeal shall be addressed and directed to the City Administrator and shall include a statement of reason for the appeal, noting on what basis the vendor believes the Purchasing Manager's decision is incorrect and how and why the Purchasing Manager's decision should be overturned in whole or in part.

The City Administrator shall consider the appeal within ten (10) City business days of receipt of the appeal. After consideration of the appeal and deciding whether to affirm or overturn the Purchasing Manager's decision, the City Administrator shall, within ten (10) City business days of the City Administrator's decision, shall respond in writing to the appeal and convey the decision of the City Administrator, after which the City shall proceed accordingly. The City Administrator may:

- affirm the Purchasing Manager's decision in whole or in part; or
- overturn the Purchasing Manager's decision in whole or in part.

The decision of the City Administrator shall be final, and no further appeals shall be considered by the City.

In the case of Vendor Protests pertaining to requests for proposals issued by the City when an aggrieved proposer is protesting the intended award to another proposer, the following steps shall be followed for formal protests not pertaining to the design and/or construction of new infrastructure and facilities:

- The Board shall, within forty-five (45) calendar days of the City Attorney's receipt of the Vendor Protest, consider the Vendor Protest. The Board may:
 - determine that the Vendor Protest does not merit a revision of the City action or decision being protested; or



- determine that the Vendor Protest does merit a revision of the City action or decision being protested and direct the City Administrator to proceed accordingly to take corrective action, which may include canceling the procurement solicitation, rejecting any and all responses to the solicitation, awarding the procurement to a different respondent, and/or starting over with a new procurement solicitation.
- The decision of the Board shall be final, and no appeals shall be considered by the City.
- Within ten (10) City business days of the Board's decision, the City Attorney shall respond in writing to the Vendor Protest and convey the Board's decision.

Vendor Protest Procedure

for City of Franklin procurements not pertaining to the design and/or construction of new infrastructure and facilities

The City of Franklin (“City”) recognizes that vendors (including suppliers, service providers and contractors) may, from time to time, feel compelled to lodge a formal protest about some aspect of a City procurement of goods and/or services not pertaining to the design and/or construction of new infrastructure and facilities. In order to promote fair and transparent competitive purchasing, and in order to have a procedure to follow if and when the need arises, the City’s Board of Mayor and Aldermen (“Board”) therefore establishes a procedure for evaluating and responding to Vendor Protests for procurements not pertaining to the design and/or construction of new infrastructure and facilities. This procedure is limited to City procurements (a) that do not pertain to the design and/or construction of new infrastructure and facilities, (b) that are competitively solicited by the City pursuant to public advertisement and sealed submittals, and (c) for which the value of the award is or would be equal to or greater than ~~\$25,000~~ \$50,000. Procurements that do pertain to the design and/or construction of new infrastructure and facilities are facilitated by the City’s Engineering Department, and any vendor wishing to lodge a protest about a City procurement pertaining to such construction-related purchases should contact the Engineering Department directly.

This Vendor Protest procedure is a mandatory administrative procedure which all aggrieved actual or prospective vendors must utilize and exhaust prior to seeking judicial review or remedy.

For the purposes of this procedure, the City defines the following terms:

- A “Vendor Protest” is a written objection by an Interested Party to a solicitation issued by the City for sealed bids, proposals, offers, statements of qualifications or other submittals, pursuant to public advertisement, in anticipation of a proposed contract for the procurement of goods or services not pertaining to the design and/or construction of new infrastructure and facilities and for which the value of the award is or would be equal to or greater than ~~\$25,000~~ \$50,000, or a written objection by an Interested Party to a proposed award of such a contract.
- An “Interested Party” is an actual or prospective vendor whose direct economic interest would be affected by the award of a contract for the procurement of goods or services not pertaining to the design and/or construction of new infrastructure and facilities that are competitively bid by the City and where the value of the award is or would be equal to or greater than ~~\$25,000~~ \$50,000 or by the failure to award such a contract.
- A “Protestor” is an Interested Party who files a Vendor Protest.

A Vendor Protest:

- shall be in writing;
- shall be addressed and directed to the City’s Purchasing Manager except in the case of Vendor Protests pertaining to requests for proposals issued by the City when an aggrieved proposer is protesting the intended award to another proposer in which case, pursuant to T.C.A. § 12-3-1207(d), the Vendor Protest shall be addressed to the Board c/o the City Attorney;
- may be delivered electronically or otherwise;
- must be received by the City by the applicable deadline listed below;
- shall include the name and address of the Protestor;
- shall reference the relevant procurement solicitation issued by the City;

- shall include a statement of reason for the Vendor Protest, including allegations and evidence sufficient, if uncontradicted, to establish the likelihood of:
 - a material deficiency or impropriety in the procurement solicitation issued by the City, such as:
 - a material defect to the procurement solicitation that caused or would cause a result other than in the absence of such defect and the consequence of which is significant;
 - some aspect of the procurement solicitation that created an unfair and material advantage to one or more prospective respondents to the procurement solicitation; or
 - a material violation of a relevant provision of one or more of the following:
 - a City procedure, policy, resolution, ordinance or other regulation governing the procurement; and/or
 - a state law, federal statute or other regulation governing the procurement;
 - a material error or impropriety in the proposed or actual award of a contract or other procurement decision, such as:
 - an allegation that a procurement is not exempt from the City's standard competitive procurement procedures when such an exemption is claimed by the City;
 - a material error of judgment or fact in evaluating one or more of the responses to the procurement solicitation; or
 - a material violation of a relevant provision of one or more of the following:
 - the respective procurement solicitation issued by the City;
 - a City procedure, policy, resolution, ordinance or other regulation governing the procurement; and/or
 - a state law, federal statute or other regulation governing the procurement.
- may include supporting documents, exhibits, or evidence to substantiate the Vendor Protest;
- shall include a proposed remedy and an explanation of why the proposed remedy should be accepted by the City; and
- shall be signed by the protester.

A Vendor Protest to either a procurement solicitation or a proposed award must be filed by the following applicable deadline:

- A Vendor Protest against an alleged procurement solicitation deficiency or impropriety must be filed prior to the deadline for responding to the solicitation or, if there is no such deadline, within seven (7) calendar days of the date the Protestor first becomes aware of the City's solicitation.
- A Vendor Protest against a proposed award must be filed within seven (7) calendar days of the date the Protestor is notified by the City of the intent to award or the date the intent to award is posted on the City's website, whichever occurs earlier.

In the case of a Vendor Protest against a proposed award, the Protestor must direct copies of its Vendor Protest to any and all other parties who have responded to the same procurement solicitation and who have a direct economic interest in the outcome of the Vendor Protest, and must submit proof that such copies have been so provided. Failure to submit such proof shall result in dismissal of the Vendor Protest. The other parties shall be permitted to respond in writing to the Vendor Protest, provided that such response shall be submitted within seven (7) calendar days after the other parties' receipt of the copy of the Vendor Protest. The other parties shall also be permitted to participate in any in-person or virtual meetings conducted by the City in regard to the Vendor Protest.



Upon receipt of a timely Vendor Protest, the City shall not proceed further with either the procurement solicitation or the award of the contract unless the City Administrator makes a written determination that so proceeding without delay is necessary to protect the public health, safety or welfare of the City.

Except in the case of Vendor Protests pertaining to requests for proposals issued by the City when an aggrieved proposer is protesting the intended award to another proposer, the following steps shall be followed for formal protests not pertaining to the design and/or construction of new infrastructure and facilities:

- The In the case of a Vendor Protest against an alleged procurement solicitation deficiency or impropriety, the Purchasing Manager shall respond in writing to the Vendor Protest within ten (10) City business days of receipt of the Vendor Protest.
- In the case of a Vendor Protest against a proposed award, the Purchasing Manager shall respond in writing to the Vendor Protest within fifteen (15) City business days of receipt of the Vendor Protest.
- The Purchasing Manager shall consider the Vendor Protest and issue a determination in writing. The Purchasing Manager may:
 - determine that the Vendor Protest does not merit a revision of the City action or decision being protested; or
 - determine that the Vendor Protest does merit a revision of the City action or decision being protested and proceed accordingly to take corrective action, which may include recommending the City cancel the procurement solicitation, recommending the City reject any and all responses to the solicitation, recommending the City award the procurement to a different respondent, and/or recommending the City start over with a new procurement solicitation.
- If the vendor is dissatisfied with the Purchasing Manager's decision, then the vendor may within seven (7) calendar days of receipt of the Purchasing Manager's decision, request appeal in writing that the matter be considered by the Vendor Protest Appeals Panel of the City which shall consist of: City Administrator. The appeal shall be addressed and directed to the City Administrator and shall include a statement of reason for the appeal, noting on what basis the vendor believes the Purchasing Manager's decision is incorrect and how and why the Purchasing Manager's decision should be overturned in whole or in part.
 - the Assistant City Administrator for Finance & Administration Public Works (unless the director of the requisitioning department reports to the Assistant City Administrator for Public Works, in which case the Assistant City Administrator for Community Development), who shall chair the panel;
 - the director of the requisitioning department, or his or her designee the Assistant City Administrator for Community Development (unless the director of the requisitioning department reports to the Assistant City Administrator for Public Works, in which case the Assistant City Administrator for Public Works); and
 - the Assistant City Administrator for Community Development the Assistant City Attorney (unless the Assistant City Attorney has provided counsel regarding the protest, in which case another attorney from the City Law Department to be appointed by the City Attorney).

The Vendor Protest Appeals Panel of the City City Administrator shall consider the appeal within ten (10) City business days of receipt of the appeal. After consideration of the appeal and deciding whether to affirm or overturn the Purchasing Manager's decision, the chair of the Vendor Protest Appeals Panel City Administrator shall, within ten (10) City business days of the Vendor Protest Appeals Panel's City Administrator's decision, issue a decision in writing shall respond in writing to the appeal and convey the decision of the Vendor Protest



~~Appeals Panel~~City Administrator, after which the City shall proceed accordingly. The ~~Vendor Protest Appeals Panel~~City Administrator may:

- affirm the Purchasing Manager's decision in whole or in part; or
- overturn the Purchasing Manager's decision in whole or in part.

The decision of the ~~Vendor Protest Appeals Panel~~City Administrator shall be final, and no further appeals shall be considered by the City.

In the case of Vendor Protests pertaining to requests for proposals issued by the City when an aggrieved proposer is protesting the intended award to another proposer, the following steps shall be followed for formal protests not pertaining to the design and/or construction of new infrastructure and facilities:

- The Board shall, within forty-five (45) calendar days of the City Attorney's receipt of the Vendor Protest, consider the Vendor Protest. The Board may:
 - determine that the Vendor Protest does not merit a revision of the City action or decision being protested; or
 - determine that the Vendor Protest does merit a revision of the City action or decision being protested and direct the City Administrator to proceed accordingly to take corrective action, which may include canceling the procurement solicitation, rejecting any and all responses to the solicitation, awarding the procurement to a different respondent, and/or starting over with a new procurement solicitation.
- The decision of the Board shall be final, and no appeals shall be considered by the City.
- Within ten (10) City business days of the Board's decision, the City Attorney shall respond in writing to the Vendor Protest and convey the Board's decision.