1415-ORD
10/29/14

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6187

AN ORDINANCE amending the Bellevue City Code Chapter 4.28 Purchasing to promote open, fair, transparent, competitive and efficient procurement processes by increasing consistency with state law, modernizing and clarifying the language of said Chapter, ensuring a logical arrangement of subject matter, and eliminating conflicts and inconsistencies; and establishing an effective date.

WHEREAS, the City's procurement practices are subject to state law, the Bellevue City Code, and City Procurement Policies; and

WHEREAS, Revised Code of Washington, Chapter 35.21.500, provides for codification of city ordinances;

WHEREAS, the City is committed to following state law and ensuring open, fair, transparent, competitive and efficient procurement processes; and

WHEREAS, Bellevue City Code Chapter 4.28 Purchasing (Chapter 4.28) has not been significantly updated since 1986; and

WHEREAS, the City is committed to improving delivery of services to its citizens; and

WHEREAS, the proposed changes to Chapter 4.28 are deemed necessary or desirable for the purpose of modernizing and clarifying the language of said Chapter, ensuring a logical arrangement of subject matter, and eliminating conflicts and inconsistencies, as provided in RCW 35.21.500; and

WHEREAS, the proposed changes to Chapter 4.28 are consistent with state law and will promote open, fair, transparent, competitive and efficient procurement processes; and

WHEREAS, the proposed changes to Chapter 4.28 will assist the City's continued efforts to improve delivery of services to its citizens and the public; and now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 4.28 Purchasing of the Bellevue City Code is hereby amended as set forth in full as follows:

Bellevue City Code 4.28 Procurement

Sections

4.28.010 Purpose.
4.28.020 Application.
4.28.030 Responsibility for procurement.
4.28.040 Competitive bidding.
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4.28.020 Application and interpretation.

This chapter applies to contracts entered into by the city for: (1) public works and improvements; (2) procurement of materials, supplies, equipment, and technology services; and (3) professional and general services. As may reasonably be determined by the finance director or his/her designee, this chapter may also be applied to any other agreement to commit city funds in exchange for goods, services, or other benefits. This chapter shall be construed to promote the purposes stated in 4.28.010. (Ord. 4040 § 1, 1989; Ord. 3593 § 2, 1986.)

4.28.030 Responsibility for procurement.

A. General. The finance director shall be responsible for all city procurement, bidding, purchasing, and contracting under this chapter except where otherwise provided. In addition to the authority specifically provided for elsewhere in this chapter, the finance director shall have the authority to promulgate procedures governing all city procurement and shall have the authority to designate one or more qualified persons to administer this chapter.

B. Authority. In accordance with this chapter, the finance director or his/her designee shall have the authority to:

1. Promulgate policies, standards, and operational procedures that support open, fair, and transparent procurement of goods and services in accordance with all applicable laws. Such policies, standards and procedures may define the levels of authority pertaining to review and approval of contract change orders and shall be followed by all city departments; and
2. Procure or supervise the procurement of all materials, supplies, equipment, technology services, general and professional services, and supervise the process for bidding and award of all public works and improvement contracts by the city; and
3. Establish and maintain programs related to contract administration and provide education, assistance and support to all city departments in the procurement of goods and services; and.
4. Promulgate the city's business expense policies and procedures; and
5. Establish a process, consistent with state law, for the procurement of goods and services offered by sheltered workshops whenever it is reasonable to do so, and to such extent as is reasonable. "Sheltered workshop" shall have the meaning provided in RCW 82.04.385, and as such provision may be amended. (Ord. 4968 § 5, 1997; Ord. 4040 § 4, 1989; Ord. 3593 § 7, 1986; Ord. 2284 § 1, 1976; 1961 code § 2.20.110.)

C. Insurance Requirements. Liability and property damage insurance requirements for any contract entered into by the city under this chapter shall be determined by the city risk manager. The risk manager shall determine coverage requirements, limits of liability, necessary endorsements, and other matters relating to insurance.

4.28.040 Competitive bidding.

A. General. Except as expressly authorized elsewhere in this chapter or by state law, the provisions of this section shall apply when the following thresholds have been met:

1. To any purchase of material, supplies, and equipment of ninety thousand dollars or more; and
2. To any work defined as a "public work" in RCW 39.04.010 as now enacted or hereafter amended, where the cost thereof is estimated to exceed the greater of (a) the limitation set forth in RCW 35.22.620, as now enacted or hereafter amended, or (b) ninety thousand dollars if more than a single craft or trade is involved or more than forty-five thousand dollars if only a single craft or trade is involved or the project is street signalization or street lighting.

B. Invitation for Bids. An invitation for bids shall be issued which shall include the specifications and the contractual terms and conditions applicable to the procurement, and any other supplemental criteria for determining bid responsiveness or bidder responsibility applicable to the particular purchase or project which must be met.

C. Specifications.

(1). Maximum Practicable Competition. All specifications shall be drafted so as to promote overall economy for the purposes intended and encourage maximum free

and open competition in satisfying the city's needs. The policy enunciated in this section applies to all specifications including but not limited to, those prepared for the city by architects, engineers, designers, and draftsmen.
(2). "Brand Name or Equal" Specification. Brand name or equal specifications may be used when the finance director or his/her designee determines in writing that use of a brand name or equal specification is in the city's best interest, such as when there is a sole source or single source.
D. Public Notice. Public notice of the invitation for bids shall be given not less than 14 calendar days prior to the date set forth therein for the opening of bids. Such notice shall be in any form that satisfies applicable law. The public notice shall state the date and time of bid opening. Bids not received by the date and time stated for bid opening will not be accepted or considered.
E. Bid Opening. Bids shall be opened publicly by the finance director or his/her designee at the time and place designated in the invitation for bids. The amount of each bid, and such other relevant information as he/she deems appropriate, together with the name of each bidder, shall be recorded. The record and each bid shall be open to public inspection.
F. Bids to comply with regulations. All persons, associations or corporations interested in responding to a bid shall comply strictly with the terms of the notice of invitation for bids and the specifications and evaluation criteria issued or published by the city, together with all relevant state laws and supplemental bidder criteria, if applicable, the terms of which shall be deemed included in such specifications whether or not they are expressly set out therein.
G. Bid Evaluation. Bids shall be evaluated based on the specifications and other relevant evaluation criteria set forth in the bid specifications and in accordance with this code, city policies and applicable state and federal law.
H. Correction or Withdrawal of Bids; Bid irregularities; Cancellation of Awards. Correction or withdrawal of erroneous bids or bid irregularities before or after bid opening, or cancellation of awards or contracts based on such bid mistakes or irregularities, may be permitted by the city as provided in this section.

(i). Mistakes discovered before bid opening may be modified or the bid may be withdrawn by written or electronic notice received in the office designated in the invitation for bids prior to the time set for opening.

(ii). After bid opening, corrections in or withdrawal of bids shall be permitted only to the extent that the bidder can show by clear and convincing evidence that a mistake was made, the nature of the mistake, and the bid price actually intended. However, downward correction of a bid, which would displace the apparent low bidder, and upward corrections of a bid submitted by the apparent low bidder, which would not displace the bid as the apparent low bid, shall only be permitted if the error made and the intended bid price can be determined solely from the bid documents in the sole discretion of the city. All decisions to permit the correction or withdrawal of bids after bid opening, or to cancel awards or contracts based on bid mistakes, shall be made by the city council. Notwithstanding anything in this chapter, the finance director or his/her designee shall have the authority to waive immaterial irregularities that do not give a bidder a competitive advantage or benefit not enjoyed by other bidders.

(iii) The call for bids shall state the reserved right of the city to reject any and all bids and to waive irregularities in any bid, provided that no bidder shall be permitted to gain unfair advantage over other bidders under this section. (Ord. 3593 § 25, 1986; Ord. 2284 § 14, 1976; 1961 code § 2.20.240.) (Ord. 3593 § 28, 1986; Ord. 2822 § 10, 1980).

I. Award. A description of the bids, along with the recommendation of the appropriate department and a written statement of any mistakes, corrections, or irregularities in the bids as described above, shall be submitted to the city council. The city council may award the bid to the lowest responsive, responsible bidder as determined under the standards set forth in the code and under state law, or may reject any or all bids in its discretion and make further call for bids. All decisions to reject or cancel an award or contract based on bid mistakes, shall be made by the city council. If awarded, the contract shall be awarded to the lowest responsible bidder whose bid meets the specifications and evaluation criteria set forth in the invitation for bids. If no responsive bid is received on the first call, the city may readvertise and make a second call or may enter into a contract without any further call or may purchase the supplies, materials, equipment or services, or perform such work and improvement in any manner authorized by law. (Ord. 4040 § 5, 1989; Ord. 3847 § 1, 1987; Ord. 3593 § 9, 1986; Ord. 2822 § 1, 1980; Ord. 2284 § 2, 1976; 1961 code § 2.20.130; Ord. 4040 § 12, 1989; Ord. 3593 § 29, 1986; Ord. 2284 § 17, 1976; 1961 code § 2.20.280.)

4.28.050 General standards for determining lowest responsible bidder.

In determining the lowest responsible bidder, the city shall follow the provisions of RCW 39.04.350 as now enacted or hereafter amended, and in addition to price, the city may consider the following:

A. The ability, capacity and skill of the bidder to perform the contract;

B. Whether the bidder can perform the contract promptly, or within the time specified, without delay or interference;

C. The reputation, experience and efficiency of the bidder;

D. The quality of performance of previous contracts by the bidder in the city and in other jurisdictions;

E. The previous and existing compliance by the bidder with laws, ordinances, and city policies relating to contracts or services;

F. The sufficiency of the financial resources and ability of the bidder to perform the contract;

G. The ability of the bidder to provide future maintenance and service for the use of the subject of the contract;

H. The number and scope of conditions attached to the bid.

I. Any supplemental criteria for determining bidder responsibility applicable to the particular project and authorized to be considered under state law.

(Ord. 4040 § 12, 1989; Ord. 3593 § 29, 1986; Ord. 2284 § 17, 1976; 1961 code § 2.20.280

4.28.060 Cancellation of invitations for bids or request for proposals.

An invitation for bids may be canceled in the discretion of the finance director or his/her designee. The reasons therefor shall be made part of the project file. Each

invitation for bids issued by the city shall state that the invitation may be canceled. Notice of cancellation shall be sent to all parties that have been provided with a copy of the invitation. The notice shall identify the invitation for bids and state briefly the reasons for cancellation. (Ord. 3593 § 16, 1986.)

4.28.070 Publication of estimate of public work or improvement.
When it is determined that a public work or improvement is to be made, the plans and/or specifications and an estimate of the cost of such work shall be filed of public record before further action is taken. If the finance director or his/her designee and the relevant city department determine that it is necessary or advisable that such work shall be executed by any means or method other than by contract, small works roster process, or job order contracting, and it appears that the estimated probable cost of executing the work will exceed $25,000, then, at least 15 days before the work is begun, the finance director or his/her designee shall cause such estimate, together with a description of the work, to be published at least once in a newspaper of general circulation within the county or as otherwise will satisfy applicable law. Except that when any emergency requires the immediate execution of such public work or improvement, upon a finding of the existence of an emergency by the finance director and duly entered of record, publication of description and estimate may be made within seven days after the commencement of the work. (Ord. 4320 § 1, 1992; Ord. 3593 § 22, 1986; Ord. 2822 § 8, 1980; Ord. 2284 § 10, 1976; 1961 code § 2.20.220.)

4.28.080 Small public works.
A. Except as otherwise authorized by RCW 39.04 and 39.28 or 35.22.620, relating to emergency public works, or other applicable general state law, as now enacted or as hereafter amended, all public works and improvements shall be done by contract pursuant to public notice and call for competitive bids in accordance with BCC 4.28.040 or through the small works roster process as authorized in RCW 35.22.620 and 39.05.155 as now enacted or hereafter amended.
B. Whenever the estimated cost of the public work or improvement is less than the threshold amounts provided in BCC 4.28.040, a contract for the public work or improvement may be awarded by the applicable department director, or other person designated by the city manager, consistent with the procedures established in accordance with this chapter.
C. The finance director, or his/her designee, is authorized to accept as complete the public works and improvements performed under any contract awarded hereunder after determining that such work has been satisfactorily completed in accordance with the contract terms thereof. (Ord. 4888 § 1, 1996; Ord. 4320 § 2, 1992; Ord. 3847 § 3, 1987; Ord. 3593 § 23, 1986; Ord. 2284 § 11, 1976; 1961 code § 2.20.230.)

4.28.090 Cost of public works or improvements.
The cost of any public work or improvement for the purposes of this chapter shall be the aggregate of all amounts to be paid for labor, material, supplies, and equipment on one continuous or interrelated project where work is to be performed simultaneously or in close sequence; provided, that the cost of water services and

metering equipment furnished in the course of water service installation form the utility-owned main to and including the meter box assembly shall not be included as part of the aggregate cost as provided in this chapter. The breaking down of any public work or improvement into units or accomplishing any public work or improvement by phases for the purpose of avoiding the minimum dollar amount prescribed in this chapter is contrary to public policy and is prohibited. (Ord. 3593 § 24, 1986; Ord. 2284 § 12, 1976.)

4.28.100 Alternative public works contracting.
Notwithstanding any other provision of this chapter, when a determination is made by the applicable department director in conjunction with the finance director or his/her designee that use of a job order contract, design-build procedure, or general contractor/construction manager contract, will benefit the public, public works projects may be done pursuant to these contracting procedures, as authorized by RCW 39.10 and subject to the definitions and limitations of that statute as now adopted or hereafter amended.

A. Authority of Director. The finance director or his/her designee shall be authorized to prescribe administrative procedures to carry out the obligations of the provisions adopted in subsection A of this section, including but not limited to procedures: establishing a committee to evaluate proposals under RCW 39.10; establishing a protest period and process consistent with RCW 39.10; ensuring compliance with the limitations on use of alternative public works contracts and work orders. (Ord. 5893 § 1, 2009[1].)
B. No limitation on alternative public works authorized by state law. Nothing in this chapter is intended to limit the city's ability to utilize any alternative public works contracting procedure authorized under state law as now enacted or hereafter amended.

4.28.110 Bonds and bid security- Noncollusion affidavit.
A. Bid Security.
1. Requirement for Bid Security. Bid security shall be required for all competitive bidding for public work or improvement contracts and alternative public works contracts. Bid security shall be of a type and in a form approved by the finance director or his/her designee, which may include a bond provided by a surety company authorized to do business in this state, or the equivalent in cash, or certified check and shall be included in the bid package. Bid security shall be required on bids for materials, supplies and equipment or other items only if determined necessary by the finance director or his/her designee.
2. Amount of Bid Security. Bid security shall be in an amount equal to at least five percent of the amount of the bid.
3. Rejection of Bids for Noncompliance with Bid Security Requirements. When the invitation for bids requires submittal of bid security, noncompliance may result in rejection of the bid.
4. Withdrawal of Bids. If a bidder is permitted to withdraw its bid before award as provided in BCC 4.28.040H, the bidder's bid security shall be returned.

B. Contract Performance and Payment Bonds.

1. When Required – Amounts. When a public works or improvement contract is awarded as a result of a call for bids under BCC 4.28.080, the following bonds or security shall be delivered to the city and shall become binding on the parties upon the execution of the contract:

a. A performance bond satisfactory to the city, executed by a surety company authorized to do business in this state, in an amount equal to 100 percent of the price specified in the contract; and

b. A payment bond satisfactory to the city, executed by a surety company authorized to do business in this state or otherwise secured in a manner satisfactory to the city for the protection of all persons supplying labor and material to the contractor or its subcontractors for the performance of the work provided for in the contract. The bond shall be in an amount equal to 100 percent of the price specified in the contract.

2. Authority to Require Additional Bonds. Nothing in this section shall be construed to limit the authority of the city to require a performance bond or other security in addition to the bonds specified herein.

C. Noncollusion Affidavit. As part of any bid submitted, the bidder shall be required to warrant that the bid is a genuine bid and that he has not entered into collusion with any other bidder or any other person by submitting with his bid an executed and notarized noncollusion affidavit on a form approved by the city attorney.

4.28.120 Professional service contracts.

Contracts for professional services, including contracts for architectural, engineering, legal and consulting services, are not subject to the competitive bidding or public works requirements of this chapter. The city manager or his/her designee shall promulgate procedures and standards for the approval and administration of such contracts. Contracts for architectural and engineering services shall be awarded in accordance with RCW 39.80 as now enacted or hereafter amended. For purposes of this section, "professional services" are those services involving skill, education and special knowledge and where the work is predominately mental and intellectual, rather than physical and mechanical. (Ord. 4968 § 3, 1997; Ord. 4040 § 2, 1989; Ord. 3593 § 5, 1986.)

4.28.130 Noncompetitive purchases.

A. The finance director or his/her designee shall be authorized to make open market purchases of materials, supplies, and equipment and to procure services without obtaining competitive bids or quotations as otherwise required-under BCC 4.28.040 and 4.28.050 under the following conditions:

1. Items of Special Design. When an item required is of special design, shape or manufacture to match or fit in with an existing installation and competitive bidding is impracticable;

2. Surplus or Distress Sales. When it is possible to procure obvious bargains in surplus or distress material, supplies or equipment;

3. Items for Quick Delivery. When the obtaining of competitive bids or quotations will cause delay resulting in an appreciable loss to the city;

4. Purchase of insurance or bonds. When purchasing insurance or bonds.

5. Single or Sole Source. When the finance director or his/her designee determines in writing that the purchase or service is clearly and legitimately limited to a single or sole source of supply. The finance director or his/her designee shall conduct negotiations, as appropriate, as to price, terms, and delivery time.
6. Special Market Conditions. When, in the finance director's reasonable discretion, special facilities or market conditions exist.
7. Emergency or Threatened Emergency. When, the city manager or his/her designee authorizes emergency procurement of materials, supplies, or equipment, or procurement of services without complying with the requirements of this chapter because there exists a threat to public health, welfare, or safety or where the city may suffer an appreciable loss because of the time required to follow regular purchasing procedures; provided that such emergency procurements shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file. As soon as practicable, a record of each emergency procurement shall be made and shall set forth the contractor's name, the amount and type of the contract, and a listing of the item(s) procured under the contract, which shall be reported to the city council at its next meeting or within two weeks, whichever is sooner. (Ord. 3593 § 15, 1986; 1961 code § 2.20.180.)

B. Small Items Not Stocked. The finance director or his/her designee is authorized to purchase items which are not stocked by the departments of the city and are available at usual market prices through purchase orders, or may enter into indefinite delivery/indefinite quantity contracts not exceeding $90,000 in value annually. The city shall attempt to use local vendors selected on the basis of best overall price policies, breadth and depth of stock, delivery service and overall convenience to the city.

4.28.140 Small purchases of materials, supplies and equipment.
Any purchase not exceeding the amount specified in BCC 4.28.040A shall be considered a "small purchase" and may be made in accordance with this section and the small purchase procedures promulgated by the finance director or his/her designee.

A. The requirements of BCC 4.28.040 shall not apply to such purchases. Insofar as it is practical, three businesses shall be solicited to submit quotations, and the finance director or his/her designee shall award the purchase order to the vendor that submitted the lowest responsive, responsible quotation. (Ord. 4040 § 6, 1989; Ord. 3593 § 10, 1986; Ord. 2822 § 2, 1980; Ord. 2284 § 3, 1976; 1961 code § 2.20.140.)

B. When the award for a small purchase is not given to the vendor submitting the lowest quotation, a statement of the reasons for placing the order elsewhere shall be prepared and maintained in accordance with the city's records management procedures. (Ord. 3593 § 11, 1986; Ord. 2822 § 3, 1980; Ord. 2284 § 4, 1976; 1961 code § 2.20.150.

C. The finance director or his/her designee shall have the authority to reject all quotations or parts thereof, with regard to a small purchase of any materials, supplies, or equipment when he/she determines the public interest will be served thereby, and upon rejection of such quotations shall make a record of the reason for the rejection. (Ord. 3593 § 12, 1986; Ord. 2822 § 4, 1980; Ord. 2284 § 5, 1976; 1961 code § 2.20.160.)

4.28.150 Cooperative purchasing.
The finance director or his/her designee is authorized to join in cooperative purchasing arrangements with other public agencies, cooperatives or consortiums similarly authorized, when the best interests of the city would be served thereby. Any cooperative purchasing agreement shall set forth fully the purposes, powers, rights, objectives and responsibilities of the contracting parties and shall be governed by the requirements of state law in regard to competitive bidding when applicable. (Ord. 3593 § 8, 1986; 1961 code § 2.20.120.)

4.28.160 Procurement of recycled and recyclable products.
The finance director or his/her designee is hereby authorized and directed to promulgate procedures and guidelines to govern the procurement of products and materials made from recycled or recyclable materials to the maximum extent practicable by all city departments, and to encourage waste reduction. He/she shall list products and materials that have significant levels of recovered materials that can and should be readily procurable. Designated products or materials shall qualify as recycled products if they meet minimum content standards as defined by the finance director or his/her designee.
The guidelines promulgated under this chapter shall include the following requirements:
A. In procuring designated products and materials, the city shall require recovered material and/or post-consumer material content to be factors in determining the lowest responsible bid in any competitive bidding procurement process initiated pursuant to city ordinance. Guidelines for purchasing materials, supplies and equipment which encourage recycled or recyclable products shall be developed.
B. The city shall promote the use of recycled and recyclable products by publicizing its procurement program and by disseminating information about recycled and recyclable products.
C. It is not intended that the city or its contractors procure products that do not perform adequately for their intended end use or products that are not available at a reasonable price within a reasonable period of time. (Ord. 4968 § 6, 1997.)

4.28.170 Equal opportunity requirements in city contracts.
A. All contractors, subcontractors, consultants, vendors and suppliers who contract with the city in a total amount of $35,000 or more within any given year are required to take affirmative action and comply with the following requirements of this section. There shall be included in any contract between such contractual services provider and the city the following provisions:

1. Contractor shall make specific and constant recruitment efforts with minority and women's organizations, schools, and training institutions. This shall be done by notifying relevant minority and women's organizations.
2. Contractor shall seek out eligible minority and women contractors to receive subcontract awards. Appropriate minority and women contractors shall be notified in writing of any bids advertised for subcontract work.
3. Contractor shall provide a written statement to all new employees and subcontractors indicating commitment as an equal opportunity employer and the steps taken to ensure equal treatment of all persons.
4. Contractor shall actively consider for promotion and advancement available minorities and women.
5. Contractor is encouraged to make specific efforts to encourage present minority and women employees to help recruit qualified members of protected groups.
6. Contractor is encouraged to provide traditional and nontraditional employment opportunities to female and minority youth through after-school and summer employment.
7. Contractor is encouraged to assist in developing the skills of minorities and women by providing or sponsoring training programs.

B. On public works contracts exceeding $10,000, the contract must contain the following statement from RCW 35.22.650 as now enacted or hereafter amended:

> Contractor agrees that the contractor shall actively solicit the employment of minority group members. Contractor further agrees that the contractor shall actively solicit bids for the subcontracting of goods or services from qualified minority businesses. Contractor shall furnish evidence of the contractor's compliance with these requirements of minority employment and solicitation. Contractor further agrees to consider the grant of subcontracts to said minority bidders on the basis of substantially equal proposals in the light most favorable to said minority businesses. The contractor shall be required to submit evidence of compliance with this section as part of the bid.

As used in this section, the term "minority business" means a business at least fifty-one percent of which is owned by minority group members. Minority group members include, but are not limited to, blacks, women, native Americans, Asians, Eskimos, Aleuts, and Hispanics.

C. Willful disregard of the city's nondiscrimination and affirmative action requirements shall be considered breach of contract and suspension or termination of all or part of the contract may follow.

D. All contractors, subcontractors, vendors, consultants or suppliers of the city required to take affirmative action must sign the affidavit of compliance and submit with the bid proposal or upon the request of the city. All documents related to compliance steps listed above shall be presented upon the request of the city. The finance director or his/her designee shall serve as the compliance officer for the city and is authorized to develop and issue procedures for the administration of this section. (Ord. 4320 § 3, 1992; Ord. 4040 § 8, 1989; Ord. 3328 § 2, 1983.)

4.28.180 Real Estate.

This chapter does not apply to the purchase of real estate. (Ord. 4040 § 1, 1989.)

4.28.190 Federal Funds.
When a purchase involves the expenditure of federal funds, purchasing shall be conducted in accordance with any applicable federal law or regulation. (Ord. 3593 § 3, 1986.)

4.28.200 Grants.
A. Nothing in this chapter shall prevent the city from complying with the terms and conditions of any grant, gift or bequest which is otherwise consistent with law.
B. The city manager or his/her designee is authorized to apply for grants in any amount and to execute grant contracts for grants of up to $90,000. The city manager or his/her designee shall not execute grant contracts exceeding $90,000 without council approval. The city manager or his/her designee shall notify the city council periodically of such grant contracts. (Ord. 4968 § 2, 1997; Ord. 3593 § 4, 1986.)

4.28.210 Lease Agreements.
Lease agreements for materials, supplies and equipment are not subject to the requirements of this chapter, but shall be subject to such procedures as are established by the city manager or his/her designee. All such agreements exceeding $90,000 in value per year must, however, be approved by the city council. Lease agreements shall comply with any applicable state law regarding debt capacity. (Ord. 4968 § 4, 1997; Ord. 4040 § 3, 1989; Ord. 3593 § 6, 1986.)

4.28.220 City procurement records
A. Contract/Project File. All determinations and other written records pertaining to the invitation to bid, award, or performance of a contract or as otherwise provided in this chapter shall be maintained for the city in a contract or project file by the applicable department in accordance with the city's document retention policies then in effect.
B. Retention of Procurement Records. All procurement records shall be retained and disposed of by the city in accordance with state law and city ordinances, regulations and guidelines. If a contract is being funded in whole or in part by assistance from a federal agency, then all procurement records pertaining to that contract shall be maintained in accordance with any applicable requirements of federal law. (Ord. 4040 § 7, 1989; Ord. 3593 § 17, 1986.)

4.28.230 Other contracts
The finance director or his/her designee may promulgate procedures for the approval of all other contracts not otherwise covered by this chapter. These contracts shall include, but shall not be limited to: nonprofessional service contracts, maintenance agreements and contracts, instructor contracts, entertainment contracts and any other personal service contract. (Ord. 4968 § 9, 1997; Ord. 4320 § 4, 1992; Ord. 3593 § 33, 1986; Ord. 2822 § 11, 1980.)

4.28.240 Unauthorized purchases.
Except as provided in this chapter and except as authorized by operational procedures adopted by the director, no city employee shall purchase or contract for any material, supplies or equipment or make any contract within the purview of this chapter other than through the finance director or his/her designee. Any purchase or contract made contrary to the provisions hereof shall not be approved by any city officer and the city shall not be bound thereby, except as may be required or provided by law. (Ord. 3593 § 18, 1986; Ord. 2284 § 17, 1976; 1961 code § 2.20.190.)

4.28.250 Application of State Law. The city shall abide by all state and federal laws applicable to this chapter and shall have all powers relating to this chapter available under state and federal law even if not specifically enumerated herein. Where provisions of the Revised Code of Washington (RCW) are adopted or incorporated by reference in this chapter, the adoption or incorporation shall be deemed to refer to the provision as it now exists or as it may be hereafter amended.

Section 2. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section 3. This ordinance shall take effect and be in force thirty (30) days after passage and legal publication.

1415-ORD
10/29/14

ORIGINAL

Passed by the City Council this 3rd day of November, 2014 and signed in authentication of its passage this 3rd day of November, 2014.

(SEAL)

Claudia Balducci, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

Darcie Durr, Assistant City Attorney

Attest:

Myrna L. Basich, City Clerk

Published November 6, 2014.