

RESOLUTION NO. 22-001

A RESOLUTION pursuant to RCW 35A.11.010 adopting a policy to encourage the use of products and services that are made in the United States of America for public works and other supply contracts entered into by the City of Camas.

WHEREAS, the City of Camas is a non-charter code city governed by the provisions of RCW Title 35A, the Optional Municipal Code; and

WHEREAS, RCW 35A.11.020 grants each code city the power to organize and regulate its internal affairs and to adopt and enforce ordinances of all kinds; and

WHEREAS, the legislative body of a code city has all powers under the Constitution of the State of Washington which are not specifically denied by state law; and

WHEREAS, RCW 35A.11.010 provides an enumerated power to the legislative body of a code city to contract and be contracted with; and

WHEREAS, pursuant to RCW 35A.12.100 the Mayor of a code city is designated as the chief executive and administrative officer of the city, in charge of all departments and employees and is mandated to see that all contracts and agreements made with the city or for its use and benefit are faithfully kept and performed; and

WHEREAS, the City Council of the City of Camas, while recognizing the exercise of general control over the City's contracting and agreement activities, pursuant to RCW 35A.11.010 has heretofore, in recognition of facilitating administrative efficiency and providing for cost savings to the City, provided for such reasonable delegation of contracting authority to the mayor or designee by adoption of Resolution 21-002; and

WHEREAS, at the Federal level, Congress has enacted a number of Federal funding restrictions associated with ensuring that Federal agencies purchase items that are produced or manufactured in the United States, subject to various exceptions and exemptions; and

WHEREAS, the three major domestic content laws include the Buy American Act of 1933, the Trade Agreement Act of 1979, and the Berry Amendment, all of which specifically provide for procurement related restrictions as well as a number of specific exceptions or circumstances which may only be applied following itemized review by the procurement agency; and

WHEREAS, in 2021 President Biden signed Executive Order 14005, entitled "Ensuring the Future Is Made in All of America by All of America's Workers" which launched a whole-of-government initiative to strengthen the use of Federal procurement to support American manufacturing; and

WHEREAS, the City Council of the City of Camas finds that maximizing the creation of American jobs and restoring economic growth would be facilitated through the use of products and services that are made in the United States of America whenever and wherever possible; and

WHEREAS, City staff in administering contracts subject to the domestic content laws at the Federal level which includes certain Washington State Department of Transportation projects have prior experience associated with ensuring domestic end suppliers are utilized and have outlined the extensive documentation which is required for compliance thereof; and

WHEREAS, the City Council further finds that establishment of a mandate which otherwise requires all City public works and supply contracts to be limited to domestic end suppliers only and requires city staff to determine the extent thereof and the applicability of any exceptions, would potentially create prohibitive time-consuming and costs to the City; and

WHEREAS, in or about 2006 the City Council considered this same matter and City administration at that time established for public works projects the inclusion of the following statement in all call for bids thereof: “American Made – in an effort to maximize the creation of American jobs and restoring economic growth, the City of Camas encourages the use of products and services that are made in the United States of America whenever and wherever possible.”;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY

OF CAMAS AS FOLLOWS:

Section I

In recognition of the importance to the American economy and in the spirit of the Federal laws noted herein the City Council of the City of Camas hereby establishes a general policy under RCW 35A.11.010 to encourage the use of products and services that are made in the United States of America whenever and wherever possible for all public works and supply contracts entered into by the City of Camas.

ADOPTED by the Council at a regular meeting this 7th day of February, 2022.

SIGNED: _____
Mayor

ATTEST: _____
Clerk

APPROVED as to form:

City Attorney