

RESOLUTION NO. 617

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK, WASHINGTON, ESTABLISHING PURCHASING AND ACQUISITION PROCEDURES FOR THE CITY.

WHEREAS, the establishment of purchasing and acquisition procedures for the City of Lake Forest Park is in the City's best interest; Now, Therefore,

THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK, WASHINGTON, RESOLVES

PART I. PURCHASES.

Section 1. Purchase of supplies, equipment, materials and services - Generally.

Purchases by the city of supplies, equipment, materials and services shall be made as provided herein; provided nothing herein shall be construed to prohibit City participation in cooperative purchasing agreements with other municipalities.

Section 2. Purchases - \$7,500 or less.

Supplies, materials, equipment, or services with a reasonably expected to cost \$7,500 or less may be purchased without formal or informal bidding; provided that City staff will strive to obtain the lowest practical price for such goods or services.

Section 3. Purchases - More than \$7,500 to \$15,000.

A. Purchases for \$7,501 to \$15,000 -- Informal Bidding. Supplies, materials, equipment, or services with a reasonably expected to cost more than \$7,500 but less than \$15,000, may be purchased without a formal call for bids as provided in this subsection.

1. The city shall establish vendor lists for the award of contracts for the purchase of materials, equipment, supplies, or services with an estimated cost of more than \$7,500 and less than \$15,000. ~~At least twice each year~~ As required by law, the city clerk shall cause a notice of the existence of the vendor lists to be published in a newspaper of general circulation within the city. The notice shall solicit the names of vendors for the lists.

2. The finance director shall secure telephone or written quotations from at least three different vendors whenever possible. The purchase contracts shall be awarded to the lowest responsible bidder. Whenever used in this resolution the term "director" shall include the director's designee.

3. Immediately after the award of the purchase contract is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry.

4. The city clerk shall post at city hall a list of the contracts awarded using the vendor lists at least once every two months. The list shall contain the names of vendors awarded contracts, the amount of the contracts, a brief description of the items purchased under the contracts, the dates that the contracts were awarded, and the location where the bid quotations for the contracts are available for public inspection.

B. Purchases for more than \$15,000.00 -- Formal Bids. Supplies, material, equipment, or services with a reasonably expected to cost more than \$15,000.00 shall be purchased through a formal call for bids as follows:

1. Staff will prepare bid specifications or requests for proposals for the goods or services to be purchased.

2. A call for sealed bids or request for proposals will be published in a newspaper of general circulation throughout the city not less than one week prior to the date fixed for opening.

3. The call for sealed bids or request for proposals will be posted in the same manner as ordinances. The notice shall include a description of the goods or services desired.

4. Bid proposals will be opened on the date and time, and at the place as specified in the specifications or public notices.

5. Staff will prepare tabulation sheets and either recommend an award to the lowest responsible bidder, who meets the terms of the specifications, conditions and qualifications or recommend the rejection of any or all bids.

6. The city council shall review the bid proposals, related materials and the recommendation of the staff, and may award the contract to the lowest responsible bidder.

7. The city may upon review of the materials and recommendations of staff reject any or all bids and make a further call for bids.

8. If bids are not received on the first call, the city may choose either to make a second call for bids or to negotiate directly with any prospective service or supply provider.

Section 4. Purchase by government contract.

A. Whenever the city has contracted with the state or any other municipality, special purpose district, or other political subdivision for the other entity to conduct the formal bidding process for the acquisition of any supplies, materials, equipment, or services, the city may purchase directly from the lowest responsible bidder as determined by the other entity.

- B. Purchases in excess of \$15,000 require prior authorization by the city council.

PART II. PUBLIC WORKS.

Section 5. Public Works -- Generally

Contracts for public works as defined in RCW 39.04.010 shall be awarded by competitive bid section 9, unless, in appropriate cases, the city elects to proceed according to either the informal bid or small works roster processes provided for herein.

Section 6. Public works - \$30,000.00 or less - Informal bidding.

A. The city may construct public works by contract or day labor, without calling for bids, whenever the estimated cost of the work or improvement, including cost of materials, supplies and equipment will not exceed the sum of: (1) \$30,000 if more than one craft or trade is involved with the public works, or (2) \$20,000 if a single craft or trade is involved with the public works. The term "public works project" means a complete project. Division of the project into units of work or classes of work to avoid the restriction on work that may be performed by day labor on a single project is not permitted.

- B. A contract shall be awarded under this section according to the following procedure:

1. Staff shall obtain from three or more contractors written quotes of the estimated cost of the public works and maintain those quotes in the records, together with specifications or plans.

2. If less than three quotes are obtained because of factors beyond the control of the city, an explanation of those factors, the quotes and the specifications and/or plans for public works shall be maintained in city records.

3. Quotes shall be presented to the director of public services for evaluation and determination of the lowest responsible bidder.

4. After evaluation and recommendation by the director of public services, the city council may accept the bid submitted by the lowest responsible bidder.

5. In addition, the city may use its own public works force to complete the public works necessary without the necessity of informal bidding.

Section 7. Public works - Small works roster -- Contracts \$100,000 maximum.

A. A small works roster, consisting of all responsible, licensed contractors requesting to be on the roster, shall be established by the director or public services for award of public works contracts not to exceed \$100,000.

B. ~~At least twice each year~~ As required by law, the director of public services shall cause notice of the existence of the small works roster to be published in a newspaper of general circulation within the city. The notice shall solicit the names of the contractors for the small works roster.

Section 8. Public works - Small works roster procedure.

The city may award a contract for \$100,000 or less off of the small works roster using the following procedure:

A. The director of public services shall secure telephone or written quotations, or both, from the appropriate contractors on the roster. Whenever possible, the city shall invite at least five contractors to submit quotations, including, whenever possible, at least one otherwise qualified woman or minority contractor. The city may invite all appropriate contractors on the roster to submit quotations. Once a contractor has been afforded an opportunity to submit a quotation, that contractor shall not be offered another opportunity until all other appropriate contractors on the roster have been afforded an opportunity to submit a quotation on a contract.

B. The city's invitation for quotations shall include an estimate of the scope and nature of the work to be performed, and the materials and equipment to be furnished.

C. The city shall award the contract to the lowest responsible bidder.

D. Immediately after awarding a contract, the director of public services shall record the bid quotations obtained for the contract. The bid quotations shall be open to public inspection and available to the public by telephone inquiry.

E. The director of public services shall post a list of the contracts awarded at least once every two months. The list shall contain the names of the contractors awarded the contracts, the amount of the contracts, a brief description of the type of work performed under the contracts, the dates that the contracts were awarded, and the location where the bid quotations for the contracts are available for public inspection.

E. The city shall hereafter account and record costs of public works in excess of \$5000 that are not let by contract on the standard forms required by the state of Washington through the State Auditor under Section 4 of RCW 35.22.620.

F. The cost of a separate public works project shall be the costs of the materials, equipment, supplies, and labor on that construction project.

Section 9. Public works -- \$100,000 or more -- formal bidding.

Public works with a reasonably expected cost of \$100,000 or more shall be let by formal bid as provided herein:

A. Formal bidding procedure:

1. Staff will prepare bid specifications for completion of the public works project upon prior authorization by the city council.

2. A call for sealed bids will be published in the official newspaper, or a newspaper of general circulation most likely to bring responsive bids, once a week for two consecutive weeks prior to the date fixed for the opening of bids.

3. The call for sealed bids will be posted in the same manner as ordinances.

4. The call for bids shall contain the following:

a. Describe the nature of work;

b. State where the plans and specifications are on file;

c. State that the bids must be sealed and filed with the city before a specific date;

d. State that bids must be accompanied by bid proposal deposit which will be at least five percent of the bid in the form of a cashier's check or postal money order or surety bond made out to the city and specify that no bids will be considered without this deposit.

B. Bids will be opened on the date and time and at the place as specified in the bid specifications, requests for proposals, advertisements and public notices.

C. Staff will prepare bid tabulation sheets and either recommend an award to the lowest responsible bidder who meets the terms of the specifications, conditions and qualifications, or recommend the rejection of all bids received.

D. The city council shall review the bids, specifications and related materials and the recommendations of staff and may award the contract to the lowest responsible bidder.

E. The city council may, upon review of the materials and recommendations of staff, reject any or all bids and may make a further call for bids.

F. If bids are not received on the first call, the city may choose either to make a second call for bids or to negotiate directly with any prospective public works contractor.

PART III. ARCHITECT AND ENGINEER SERVICES.

Section 10. Retaining architectural or engineering services.

A. Once each calendar year, the city shall publish an announcement stating its projected requirements for certain categories or types of professional services. The announcement shall state

the general scope and nature of the anticipated project(s) or work and the address of the city representative who can provide further details. For purposes of this section, "professional services" shall have the meaning stated in RCW 39.80.020(5).

B. If the city requires any professional services not contained in the city's annual announcement, the city shall publish additional announcements on each occasion. An additional announcement for professional services shall be published not less than once in a newspaper not less than two weeks prior to the closing date for receipt of requests for qualifications.

C. In the procurement of professional services, the city shall encourage firms engaged in the lawful practice of their profession to submit annually a statement of qualifications and performance data.

D. Firms responding to the city's annual announcement or any other announcement shall submit to the director of public services:

1. A proposed scope of services;
2. Performance data; and
3. A letter of interest that shall include statements regarding the availability of the firm to complete the work within the stated time period, current references, the firm's insurance coverage, and the firm's financial stability.

E. The city shall evaluate current statements of qualifications and performance data on file with the city, together with those that may be submitted by other firms regarding a proposed project, and shall conduct discussions with one or more firms regarding anticipated concepts and the relative utility of alternate methods of approach for furnishing the required services.

F. Following the discussions with the firms, the city shall select from those firms, based on criteria and guidelines established by the director of public services, the firm deemed to be the most highly qualified to provide the services required. The criteria and guidelines established by the director of public services shall include a plan to insure that minority and women-owned firms are afforded the maximum practicable opportunity to compete for and obtain public contracts for services. The level of participation by minority and women-owned firms shall be consistent with their general availability within the professional communities involved.

G. After the city has determined the firm most highly qualified to provide the services required, the city shall negotiate a contract with that firm for the services at a price which the city determines to be fair and reasonable to the city. In making its determination, the city shall take into account the estimated value of the services to be rendered, as well as the scope, complexity, and professional nature of the services. If the city is unable to negotiate a satisfactory contract with the firm selected at a price that the city determines is fair and reasonable, the city shall formally terminate negotiations with that firm, select other firms in accordance with this section, and continue in accordance with this paragraph until an agreement is reached or the city terminates the process.

H. Once a satisfactory contract has been negotiated, the city council will review and approve the contract prior to execution of the contract by the mayor.

I. The city is not required to comply with this section when the city makes a finding in accordance with any applicable code section or other law that an emergency requires the immediate execution of the work involved.

PART IV. WAIVERS AND EXEMPTIONS.

Section 11. Purchases - Waiver and exemptions.

A. In the event of an emergency such that the public interest or property of the city would suffer injury or damage by delay, the mayor may, upon declaring the existence of such emergency and reciting the facts constituting the same, waive the requirements for competitive sealed bids. The city administrator shall report, in detail, such emergency expenditures to the city council within seven days of declaring the emergency and shall submit a written determination of the basis for the emergency and for the selection of the particular contractor or vendor.

B. These requirements for purchasing or public works also may be waived by resolution of the city council declaring that the purchase or public work is either clearly and legitimately limited to a single source or supply, or the materials, supplies, equipment, or services are subject to special market conditions, and recites why this situation exists.

C. The following are exempt from the requirements of this Resolution:

1. Performance-based contracts as defined by RCW 39.35A.020(3); and.
2. The purchase of supplies, material, equipment, or services at public auctions of the United States, or its agencies, or the State of Washington, or any of its subdivisions.
3. Professional service contracts, except as provided in Section 10.

Section 12. Incorporation of Future Changes In Law.

A. Whenever in the future the legislature amends the law with respect to vendor lists or small works rosters, those amendments shall be incorporated into this resolution and the same shall be amended, without further council action, if (1) the amendment places mandatory requirements upon the City; and (2) the amendment authorizes but does not require relaxation of procedural requirements with respect to vendor lists or the small works roster.

B. Council action to amend this resolution shall be required whenever substantive changes are authorized but not required, or whenever an amendment authorizes procedural changes that increase procedural requirements.

Section 13. Repealer.

Resolution No. 559 is repealed.

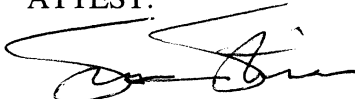
PASSED BY A MAJORITY VOTE of the members of the City of Lake Forest Park City Council this 8th day of March, 2001.

APPROVED:

A handwritten signature in black ink, appearing to read "David R. Hutchinson", written over a horizontal line.

David R. Hutchinson, Mayor

ATTEST:

A handwritten signature in black ink, appearing to read "Susan Stine", written over a horizontal line.

Susan Stine, City Clerk