

RESOLUTION NO. 24-1956

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK, WASHINGTON, REPEALING AND ADOPTING PURCHASING AND ACQUISITION POLICIES AND PROCEDURES.

WHEREAS, RCW 35A.11.010 grants city councils in optional municipal code cities like Lake Forest Park broad power to make contracts; and

WHEREAS, city councils also has the authority to delegate the authority to make contracts and to place appropriate oversight and disclosure conditions upon the use of that authority; and

WHEREAS, the Lake Forest Park City Council recognizes that appropriate delegation to the administration regarding procurement processes can improve efficiencies; and

WHEREAS, on March 8, 2001, and March 13, 2014, the City Council adopted Resolutions 617 and 1399 respectfully, establishing specific purchasing and acquisition policies and procedures; and

WHEREAS, in the intervening years, state legislation regarding city contracting authority and requirements have been amended and the City Council desires to review and update its purchasing policies.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Lake Forest Park, as follows:

SECTION 1. REPEAL. City of Lake Forest Park Resolution Numbers 617 and 1399 are repealed in their entirety.

SECTION 2. ADOPTION. The City Council of the City of Lake Forest Park adopts the following purchasing policies:

A. **Purchasing authority.** For expenditures included in the annual budget, the following authority is granted to the Administration to execute contracts and agreements.

1. **Public Works contracts.** Contracts for Public Works, as defined in RCW 39.04.010, as amended, the Mayor or designee may execute contracts up to \$50,000 (fifty thousand dollars), except as identified elsewhere in this resolution.

2. Supplies, equipment, materials, and services. For contracts that are not for Public Works, the Mayor or designee may execute contracts up to \$30,000 (thirty thousand dollars), except as identified elsewhere in this resolution.
 3. Interlocal Agreements. Initial interlocal agreements of any amount with governmental agencies require Council authorization. The Mayor or designee, may execute a renewal or extension of an existing interlocal agreement with governmental agencies up to \$30,000 (thirty thousand dollars) if the initial interlocal agreement addressed renewal. All other renewals require Council approval.
 4. Emergency contracts. In the event of an Emergency, the Mayor or designee may execute contracts consistent with LFPMC 8.15.090 to obtain vital supplies, equipment and such other properties found lacking and needed for the protection of the life and property of the people and to bind the city for the fair value thereof. "Emergency" is defined as unforeseen circumstances beyond the control of the City that either present a real, immediate threat to the proper performance of essential City functions; or will likely result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken.
- B. **Grant Applications.** The Mayor or designee are authorized to apply for grants that would carry out projects or services in the adopted biennial budget or adopted capital improvement plan. If a grant application requires matching dollars beyond those included in the funded CIP or impacts an adopted City policy, City Council approval must be sought before the grant application is submitted.
- C. **Real Property.** The purchase or acquisition of real property in fee simple or an interest in real property require City Council approval, unless:
1. Development projects. The acquisition is the acceptance of a dedication or conveyance made in the general course of a development project required by the LFPMC.
 2. Budgeted Acquisition. The acquisition is purchase for a Department of Public Works project and the acquisition price is within the Council approved budget for the project.
- D. **Public Works bidding processes.**
1. Small works roster. Council authorizes the use of the small works roster process and dollar thresholds, including limited public works process, in chapter 39.04 RCW, as amended. The Administration shall contract with Municipal Research and Services Center ("MRSC") for use of its small works

rosters as appropriate for the contracting needs of the City. The Administration shall document when bid quotes have been obtained and make the bid quotes publicly available and available by request. The Administration shall publish on the City's website a list of small works contracts awarded and contractors contacted for direct negotiation pursuant to chapter 39.04 RCW, as amended.

2. Public Works formal bidding. For Public Works contracts anticipated to exceed the dollar threshold of the small works roster in chapter 39.04 RCW, as amended, formal bidding procedures shall be used as adopted by the Administration.

E. Professional and personal services.

1. Architectural, land surveying, and engineering services. For architectural, land surveying, and engineering services, as defined in RCW 39.80.020, as amended, the MRSC consultant roster may be used and firms asked to respond to a Request For Qualifications (RFQ). A contract will be negotiated with the most qualified firm at a fair and reasonable price taking into account the scope, complexity, and professional nature of the services.
2. Other professional and personal services. For all other professional services an RFQ may be used, direct solicitation may be used, and an MRSC consultant roster may be used to solicit qualified professionals and contract at a fair and reasonable price.

F. Purchase of materials, supplies and equipment. The purchase of materials, supplies and equipment for a Public Works or other contract, may be solicited using an MRSC roster. Whenever possible quotes from at least three vendors shall be secured to assure a competitive price is contracted for with the lowest responsible bidder.

G. Surplus property. The City may acquire surplus property from the state, a city, another political subdivision, the federal government, or a federally recognized tribe without the use of competitive quotes or bids upon terms and conditions as may be mutually agreed. RCW 39.33.010.

H. Computer and Telecommunications. A competitive negotiation process, as an alternative to competitive bidding, may be used for computer and telecommunications equipment, software, and services pursuant to chapter 39.04. RCW.

I. Exemptions. Competitive bidding requirements may be waived in the following circumstances:

1. purchases that are clearly and legitimately limited to a single source of supply;
2. purchases involving special facilities or market conditions;
3. purchases in the event of an emergency;
4. purchases of insurance or bonds;
5. public works in the event of an emergency;
6. auctions where a items can be obtained at a competitive price;
7. when no responsive bids or quotes are received;
8. surplus property; and
9. interlocal agreements (piggybacking).

J. **Purchasing Code of Ethics.** To instill public confidence in the award of public contracts and the expenditure of public funds, the City adopts the following code of ethics regarding public contracting:

1. Actions of City employees shall be impartial and fair;
2. City decisions and policies shall be made in compliance with required procedures and within the proper channels of government structure;
3. Public employment shall not be used for personal gain, and City employees shall not solicit, accept, or agree to accept any gratuity for themselves, their families, or others that would or could result in personal gain.
4. Purchasing decisions shall be made impartially, based upon the City's specifications for the contract and the responses of those bidding on the contract.

K. **Additional procedures.** The Administration shall adopt additional procedures as necessary to carry out the policies adopted herein including formal competitive bid procedures for use with Public Works and other contracts to ensure a consistent and fair process.

SECTION 3. CORRECTIONS. The City Clerk is authorized to make necessary corrections to this resolution including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

PASSED BY A MAJORITY VOTE of the members of the Lake Forest Park City Council this _____ day of _____, 2024.

APPROVED:

Tom French
Mayor

ATTEST/AUTHENTICATED:

Matthew McLean
City Clerk

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
RESOLUTION NO.: 24-xxxx

DRAFT