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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 2284

AN ORDINANCE relating to purchasing of materials, supplies and equipment, and to award of contracts for public works and improvements, upon call for bids; and amending Chapter 4.28 of the Bellevue City Code.

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

Section 1. Section 1 of Ordinance 1607, and Bellevue City Code 4.28.020 are hereby amended to read as follows:

4.28.020 Responsibility for purchasing.

The director of finance shall be responsible for all city purchasing under this chapter and shall appoint a purchasing manager who shall be head of the purchasing division of the finance department and who shall, subject to the exceptions stated in this chapter, make all purchases of materials, supplies, and equipment for all departments, offices, boards and other agencies of the city. The duties and responsibilities designated in this chapter to be performed by the director of finance and the purchasing manager shall be performed under the direction and control of the city manager.

Section 2. Section 1 of Ordinance 1607, and Bellevue City Code 4.28.040 are hereby amended to read as follows:

4.28.040 Competitive bidding - When required.

Any purchase of supplies, material, and equipment except for public works or improvements, including the printing of supplies, where the cost thereof exceeds five thousand dollars, shall be made upon call for bids in the same method and under the same conditions as required herein on a call for bids for public work or improvement.

Section 3. Section 1 of Ordinance 1607, and Bellevue City Code 4.28.050 are hereby amended to read as follows:

4.28.050 Open market purchase of items costing less than five thousand dollars.

All purchases of materials, supplies, and equipment costing less than five thousand dollars may be made on the open market. All open market purchases shall, whenever practicable, be based on at least three competitive prices or quotations solicited by or obtained under the direction

of, the purchasing manager by direct mail request to prospective vendors, by telephone, by personal contact with sales representatives or by any other appropriate means. The purchasing manager shall keep a record of all open market orders and quotations submitted in competition thereon and such records shall be open for public inspection during regular office hours. The purchasing manager shall award the purchase order on open market purchases to such bidder as the purchasing manager determines to be the lowest responsible bidder, in accordance with the provisions of this chapter.

Section 4. Section 1 of Ordinance 1607, and Bellevue City Code 4.28.060 are hereby amended to read as follows:

4.28.060 Filing of statements on awards to other than low bidder for item costing less than five thousand dollars.

When the award for purchase of an item costing less than five thousand dollars is not given to the lowest bidder in price, a statement of the reasons for placing the order elsewhere shall be prepared and filed with the other papers relating to the transaction and shall be open to public inspection during regular office hours.

Section 5. Section 1 of Ordinance 1607, and Bellevue City Code 4.28.070 are hereby amended to read as follows:

4.28.070 Rejection of bids for open market purchases costing less than five thousand dollars.

The purchasing manager shall have the authority to reject all quotations or parts thereof, for any materials, supplies, or equipment of less than five thousand dollars when the public interest will be served thereby, and upon rejection of such quotations shall include the reason therefor in the records of the transaction, which shall be open for public inspection.

Section 6. Section 1 of Ordinance 1607, and Bellevue City Code 4.28.080 are hereby amended to read as follows:

4.28.080 Noncompetitive purchases of less than five thousand dollars.

The purchasing manager shall be authorized to make open market purchases costing less than five thousand dollars without obtaining competitive quotations therefor as required under 4.28.050 under the following conditions:

A. 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;
- B. Surplus or Distress Sales. When it is possible to procure obvious bargains in surplus or distress material, supplies or equipment;
 - C. Items for Quick Delivery. When the obtaining of competitive quotations will cause delay resulting in an appreciable loss to the city;
 - D. Small Items Not Stocked, Monthly Purchase Orders. The purchasing manager shall be authorized to establish monthly purchase orders with local vendors for periods of not more than twelve months for the purchase of items each costing less than fifty dollars which are not stocked by the departments and are available at usual market prices. Such local vendors shall be selected on the basis of best overall price policies, breadth and depth of stocks and delivery service.
 - E. Petty Cash Accounts. The purchasing manager shall be authorized to establish petty cash accounts for City departments for reimbursement of legally payable expenses incurred on behalf of the City, which shall be paid in accordance with rules and regulations established by the Finance Department.

Section 7. Section 1 of Ordinance 1607, and Bellevue City Code 4.28.100 are hereby amended to read as follows:

4.28.100 Unauthorized purchases.

Except as herein provided, no city employee shall purchase or contract for any supplies, material, or equipment or make any contract within the purview of this chapter other than through the division of purchasing and its staff. 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.

Section 8. Section 1 of Ordinance 1607, and Bellevue City Code 4.28.110 are hereby amended to read as follows:

4.28.110 Inspection and testing.

The purchasing manager shall inspect or supervise the inspection of all deliveries of supplies, materials, or equipment to determine the conformance with the specifications set forth in the order or contract.

- A. Inspection by Using Department. The purchasing manager may authorize a using department having the

staff and facilities for adequate inspection to inspect all deliveries made to such using departments, under procedures he shall prescribe.

- B. Tests. The purchasing manager may require chemical and physical tests of samples submitted with bids and samples of deliveries which are necessary to determine their quality and conformance with the specifications. In the performance of such tests, he shall have the authority to make use of laboratory facilities of any outside laboratory.

Section 9. Section 1 of Ordinance 1607, and Bellevue City Code 4.28.120 are hereby amended to read as follows:

4.28.120 Formal contract requirements.

All competitive bids in the amount of five thousand dollars or more shall be evidenced by written proposal submitted to and approved by the city council.

- A. Approval of Legal Form of Contracts. All contracts for the purchase of supplies, materials and equipment required by this chapter shall be prepared under the supervision of and approved as to legal form by the city attorney.
- B. Approval by the City Manager or Designated Agent. The city manager or his designated agent shall examine all contracts, purchase orders and other documents which involve financial obligations against the city and approve the same only upon ascertaining that moneys have been appropriated and that an unexpended and unencumbered balance is available to meet the same. The director of finance is the disbursing officer and is designated the approving authority for the collection and fund disposition of the retainage as provided in RCW 60.28.010.
- C. Authority to Sign Contracts. All contracts for purchase of supplies, materials, or equipment required by this chapter shall be executed on behalf of the city by the city manager or the purchasing manager.

Section 10. Section 1 of Ordinance 1607, and Bellevue City Code 4.28.130 are hereby amended to read as follows:

4.28.130 Public work or improvement - Estimated cost in excess of two thousand five hundred dollars but less than ten thousand dollars - Publication of estimates.

When it is determined that a public work or improvement of an estimated cost of less than ten thousand dollars shall be executed by any means or method other than by contract, and it appears that the estimated probable

cost of executing the work will exceed two thousand five hundred dollars, then, at least fifteen days before the work is begun, the appropriate administrative official of the city 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; except that when any emergency requires the immediate execution of such public work, upon a finding of the existence of an emergency by the authority having power to direct such public work to be done, duly entered of record, publication of description and estimate may be made within seven days after the commencement of the work.

Section 11. Section 7 of Ordinance 1607, and Bellevue City Code 4.28.140 are hereby amended to read as follows:

4.28.140 When bids required for public works and improvements.

Except as otherwise authorized by RCW Chapters 39.04 and 39.28, 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 whenever the estimated cost of such public work or improvement, including the cost of materials, supplies and equipment, will exceed the sum of ten thousand dollars:

PROVIDED, That whenever this public work or improvement is for construction of water mains, such sum shall be fifteen thousand dollars.

When any emergency shall require the immediate execution of such public work, upon the finding of the existence of such emergency by the authority having power to direct such public work to be done and duly entered of record, publication of description and estimate may be made within seven days after the commencement of the work.

Notice of call for bids shall be given by posting thereof in a public place in the city and by publication in a newspaper of general circulation within the city once each week for two consecutive weeks before the date fixed for opening of bids; except that notice by publication may be given in the manner authorized by RCW 39.28.020(5) or other general state law, when applicable.

Section 12. A new section is hereby added to the Bellevue City Code, to be designated 4.28.141 thereof, and to read as follows:

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, and equipment on one continuous

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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 a water service installation from the utility - owned main to and including the meter box assembly shall not be included as part of the aggregate cost as provided herein. 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.

Section 13. A new section is hereby added to the Bellevue City Code, to be designated 4.28.142 thereof, and to read as follows:

All contracts by and between the city and contractors for any public work or improvement exceeding the sum of ten thousand dollars, or fifteen thousand dollars for construction of water mains, shall contain the following clause:

"Contractor agrees that he shall actively solicit the employment of minority group members. Contractor further agrees that he shall actively solicit bids for the subcontracting of goods or services from qualified minority businesses. Contractor shall furnish evidence of his 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, Orientals, Eskimos, Aleuts, and Spanish Americans.

Section 14. Section 1 of Ordinance 1607, and Bellevue City Code 4.28.150 are hereby amended to read as follows:

4.28.150 Bids to comply with regulations.

All bids offered by persons, associations or corporations desiring to sell or supply material, equipment, or supplies to the city, shall comply strictly with the terms of the notice of invitation for bids and the specifications or general conditions issued or published by the city in connection therewith, together with all state laws relating to public works contracts, the terms of which

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shall be deemed included in such specifications or general conditions whether or not they are expressly set out therein.

Section 15. Section 1 of Ordinance 1607, and Bellevue City Code 4.28.160 are hereby amended to read as follows:

4.28.160 Bid deposits, performance bond and noncollusion affidavit for public works improvement projects costing ten thousand dollars or more.

Each bidder shall make a deposit in the form of a certified check or bid bond in an amount equal to not less than five percent of the total bid, which percentage shall be specified in the call for bids. 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. The successful bidder shall furnish a faithful performance or surety bond in an amount equal to the total amount of the contract and an executed and notarized noncollusion affidavit on a form approved by the city attorney.

Section 16. Section 1 of Ordinance 1607, and Bellevue City Code 4.28.180 are hereby amended to read as follows:

4.28.180 Award or rejection of bids.

For the purchase of materials, supplies, and equipment in an amount in excess of five thousand dollars and for contracts for public works or improvements in excess of ten thousand dollars, (fifteen thousand and when the contract is for construction of water mains), the city manager shall present the bids received, together with recommendations of the department or departments concerned, to the city at a regular meeting. The council shall award the contract to the lowest responsible bidder or may reject any and all bids for any transaction when the public interest will be served thereby.

Section 17. Section 1 of Ordinance 1607, and Bellevue City Code 4.28.190 are hereby amended to read as follows:

4.28.190 General standards for determining lowest and best responsible bidder.

In determining lowest and best responsible bidder, in addition to price, the following may be considered:

- 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;

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- C. The character, integrity, reputation, judgment, experience and efficiency of the bidder;
- D. The quality of performance of previous contracts by the bidder;
- E. The previous and existing compliance by the bidder with laws and ordinances relating to contracts or services;
- F. The sufficiency of the financial resources and ability of the bidder to perform the contract;
- G. The quality, availability and adaptability of the materials, supplies, or equipment, to the particular use required;
- H. The ability of the bidder to provide future maintenance and service for the use of the subject of the contract;
- I. The number and scope of conditions attached to the bid.

Section 18. Section 1 of Ordinance 1607, and Bellevue City Code 4.28.210 are hereby amended to read as follows:

4.28.210 Rejecting bids - Recalling for bids.

The City Council may reject any or all bids and make further calls for bids in the same manner as the original call; or, if in the city council's judgment the improvement or work, including the purchase of supplies, materials and equipment, can be done by the city at less cost than the lowest bid submitted, it may do so without making a further call for bids or awarding any contract therefor. If no bid is received on the first call, the city may readvertise and make a second call, or may enter into a contract without

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any further call or may purchase the supplies, materials,
or equipment and perform such work and improvement by day
labor.

Section 19. This ordinance shall take effect and be in force 30 days
after enactment by the council.

PASSED by the City Council this 5 day of January, 1976,
and signed in authentication of its passage this 5 day of January,
1976.

(SEAL)


Richard M. Foreman, Mayor

Approved as to form:


Lee Kraft, City Attorney

Attest:


Patricia K. Weber, City Clerk

Published January 15, 1976