

2-4-80

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 2822

AN ORDINANCE relating to purchasing of materials, supplies and equipment, to award of contracts for public works and improvements and establishing requirements for certain contracts not otherwise covered by Chapter 4.28 of the Bellevue City Code; amending Sections 2, 3, 4, 5, 6, 9, 10 and 16 of Ordinance No. 2284, amending Sections 4.28.040, 4.28.050, 4.28.060, 4.28.070, 4.28.080, 4.28.120, 4.28.130 and 4.28.180 of the Bellevue City Code; and adding Sections 4.28.125, 4.28.185 and 4.28.230 to the Bellevue City Code.

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

Section 1. Section 2 of Ordinance No. 2284 and Bellevue City Code 4.28.040 are each 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, where the cost thereof exceeds ten thousand dollars, shall be made upon call for bids in the same method and under the same conditions as required in this chapter on a call for bids for public work or improvement.

Section 2. Section 3 of Ordinance No. 2284 and Bellevue City Code 4.28.050 are each hereby amended to read as follows:

4.28.050 Open market purchase of items costing ten thousand dollars or less.

All purchases of materials, supplies, and equipment costing ten thousand dollars or less 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.

1-29-80

Section 3. Section 4 of Ordinance No. 2284 and Bellevue City Code 4.28.060 are each hereby amended to read as follows:

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

When the award for purchase of an item costing ten thousand dollars or less 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 4. Section 5 of Ordinance No. 2284 and Bellevue City Code 4.28.070 are each hereby amended to read as follows:

4.28.070 Rejection of bids for open market purchases costing ten thousand dollars or less.

The purchasing manager shall have the authority to reject all quotations or parts thereof, for any materials, supplies, or equipment of ten thousand dollars or less 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 5. Section 6 of Ordinance No. 2284 and Bellevue City Code 4.28.080 are each hereby amended to read as follows:

4.28.080 Noncompetitive purchases of ten thousand dollars or less.

The purchasing manager shall be authorized to make open market purchases costing ten thousand dollars or less without obtaining competitive quotations therefor as required under Section 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;

1-29-80

- 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 one hundred 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 6. Section 9 of Ordinance No. 2284 and Bellevue City Code 4.28.120 are each hereby amended to read as follows:

4.28.120 Formal contract requirements.

All competitive bids in excess of ten thousand dollars shall be evidenced by a 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, his designated agent or the purchasing manager.

Section 7. A new Section 4.28.125 is hereby added to the Bellevue City Code to read as follows:

1-29-80

4.28.125 Public work or improvement - Estimated cost ten thousand dollars or less - authority to contract.

All public works and improvements whenever the estimated cost thereof is ten thousand dollars or less (fifteen thousand dollars for the construction of water mains) may be awarded in the manner authorized by 4.28.050, 4.28.060 and 4.28.070 of this chapter for purchases of materials, supplies and equipment.

Section 8. Section 10 of Ordinance No. 2284 and Bellevue City Code 4.28.130 are each hereby amended to read as follows:

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

When it is determined that a public work or improvement of an estimated cost of ten thousand dollars or less 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 9. Section 16 of Ordinance No. 2284, and Bellevue City Code 4.28.180 are each 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 ten thousand dollars and for contracts for public works or improvements in excess of ten thousand dollars (fifteen thousand when the contract is for construction of water mains), the City Manager or his designee shall present the bids received, together with recommendations of the department or departments concerned, to the City Council 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 10. A new Section 4.28.185 is hereby added to the Bellevue City Code to read as follows:

4.28.185 Bid Irregularities.

Notwithstanding any other provision of this Chapter, in determining whether a bid will be considered by the City Council, the irregularities described herein will be treated by the action described below:

<u>Document</u>	<u>Irregularity (see codes below)</u>	<u>Action (see codes below)</u>	
		<u>Material Bids</u>	<u>Public Wk. Imp. Bids</u>
Bid Package	a	1	1
Bid Package	f	3	3
Proposal Form	b, c, e	1	1
Bid Bond	c, d, e	1	1
Non-Collusion Affidavit	b, c, e	2	2
Bidder's Qualification Certificate	b, c, e	N/A	2

Irregularity Codes:

- a. Arrives Late: The term "Arrives Late" means bid envelopes containing bid documents delivered to and received by the Purchasing Division of the City after the date and time specified for opening.
- b. Unsigned: The term "Unsigned" means all bid documents containing a space for bidder's authorized signature which do not bear such a signature.
- c. Incorrect Form: The term "Incorrect Form" means:
 1. Use of form other than those included in bid specifications, unless substitutions are expressly allowed within said specifications,
 2. A bid bond in the form of a personal check, note, or letter of credit, or
 3. Any documents contained in bid which are incomplete or incorrectly completed.

2-7-80

- d. Less Than Prescribed Amount: The term "Less Than Prescribed Amount" means bid bonds which are submitted in the form of cash, certified check, cashier check, or money order in an amount less than 5% of the total bid amount, before sales tax.
- e. Not Included with Bid: The term "Not Included With Bid" means any and all documents required by the bid specifications to be submitted with the bid that are missing at the bid opening.
- f. Addition or Calculation Errors, or Other Irregularities: The term "Addition or Calculation Errors, or Other Irregularities" means any irregularities not specifically listed above.

Action Codes:

- 1. The bid will not be accepted or otherwise considered.
- 2. The bid will be accepted, but will not be considered by Council unless the irregularity is corrected to the satisfaction of the City Manager or his designee prior to the Council meeting at which the bids are presented for award.
- 3. The bid will be presented for consideration by the City Council. Any action concerning the irregularity shall be at the discretion of the City Council.

Section 11. A new Section 4.28.230 is hereby added to the Bellevue City Code to read as follows:

4.28.230 Other contracts.

Every contract not otherwise covered by this chapter except contracts for personal services where the annual cost to the City or the annual revenue to be received by the City for such contract is:

- A. \$10,000 or less, the City Manager or his designee is authorized to sign such contracts on behalf of the City;
- B. More than \$10,000, approval of the City Council by Resolution is required for such contracts.

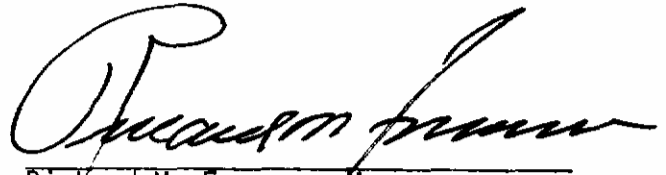
Section 12. This ordinance shall take effect and be in force five

1-29-80

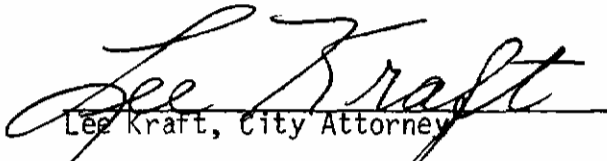
days after its passage and legal publication.

PASSED by the City Council this 19 day of Feb, 1980,
and signed in authentication of its passage this 19 day
of Feb, 1980.

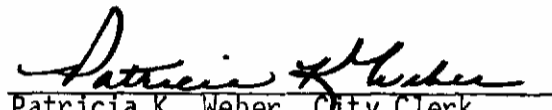
(SEAL)


Richard M. Foreman, Mayor

Approved as to form:


Lee Kraft, City Attorney

Attest:


Patricia K. Weber, City Clerk

Published Feb 23, 1980