

City of Kenmore



City of Kenmore - 18120 68th Avenue NE - PO Box 82607, Kenmore WA 98028 - Phone: 425-398-8900 - Fax: 425-481-3236

City of Kenmore
City Council EXECUTIVE SESSION
PURSUANT TO RCW 42.30.110(1)(i)-LITIGATION
6:30 p.m., Monday, October 24, 2011
Kenmore City Hall
18120 68th Ave. NE, Kenmore, WA 98028

City of Kenmore
City Council Regular Meeting Agenda
7:00 p.m., Monday, October 24, 2011
Kenmore City Hall
18120 68th Ave. NE, Kenmore, WA 98028

AGENDA ITEMS ARE SUBJECT TO CHANGE up to and including the time of the meeting; items may be added or dropped. Please call the City Clerk if you have any questions or to confirm the agenda items prior to the meeting at (425) 398-8900, or stop by City Hall at 18120 68th Avenue NE, Kenmore. The agendas are also available on our website at: www.kenmorewa.gov. Our public meetings are accessible to all members of the public. If you require special accommodations, please call the City Clerk at least three (3) days prior to the meeting.

I. CALL TO ORDER REGULAR MEETING

II. ROLL CALL

III. FLAG SALUTE

IV. AGENDA APPROVAL

V. CONSENT AGENDA

- A. Minutes of the September 26, 2011 Regular Council Meeting.
- B. Approval of Claim Nos. 24676-24762 in the Amount of \$575,690.35 for the Period Ending September 22, 2011.

VI. CITIZEN COMMENTS

VI. CITIZEN COMMENTS

This is an opportunity to express your views on issues that are important to you and to the community. Please limit your comments to three (3) minutes.

VII. BUSINESS AGENDA

- A. Report and Discussion from the October 20, 2011 Community Meeting on LakePointe KGM Support Activities for SR 520 Bridge Project - Fred Stouder, City Manager
- B. Resolution No. 11-190 Adopting Updated Purchasing Policies and Procedures - Joanne Gregory, Finance Director

VIII. COUNCILMEMBER COMMENTS/REPORTS

IX. ADJOURNMENT

Upcoming Meetings:

November 14, 2011 7:00 p.m. Regular Council Meeting

DRAFT

**City of Kenmore
City Council Regular Meeting
Minutes
September 26, 2011**

CALL MEETING TO ORDER – Mayor David Baker called the meeting to order at 6:30 p.m.

EXECUTIVE SESSION – Mayor David Baker adjourned the regular meeting at 6:30 p.m. to an executive session to discuss Property Acquisition pursuant to RCW 42.30110(1)(b). He stated that the executive session will last for approximately 30 minutes and that no action is anticipated when the meeting is reconvened back to regular session.

EXECUTIVE SESSION WAS EXTENDED FOR AN ADDITIONAL 15 MINUTES.

RECONVENE BACK TO REGULAR SESSION – Mayor David Baker reconvened the meeting back to regular session at 7:15 p.m.

Councilmembers present: Mayor David Baker, Deputy Mayor Milton Curtis, Councilmembers Bob Hensel, John Hendrickson, Glenn Rogers, and Laurie Sperry.

Councilmembers excused: Councilmember Allan Van Ness

Staff present: Fred Stouder, City Manager; Nancy Ousley, Assistant City Manager; Joanne Gregory, Finance Director; Debbie Bent, Director of Community Development; Lauri Anderson, Senior Planner; Ron Loewen, City Engineer; Cliff Sether, Police Chief; Rod Kaseguma, City Attorney; and Janice Gates, Acting City Clerk.

FLAG SALUTE

Mayor David Baker led the flag salute.

AGENDA APPROVAL

The agenda was approved as submitted.

CONSENT AGENDA

Councilmember John Hendrickson moved to pull Item E from the consent agenda for separate consideration.

Councilmember Laurie Sperry moved to approve the consent agenda as amended.
Councilmember Glenn Rogers seconded the motion to Approve the Minutes of the August 15, 2011 Special Regular Council Meeting; August 22, 2011 Special Council Meeting and September 7, 2011 Special Council Meeting; Approve Claim Nos. 24493 – 24580 in the Amount of \$404,359.87 for the period ending September 13, 2011; Set a Special Council Meeting/Workshop on Meeting Procedures and Robert's Rules of Order for Monday, October 3, 2011, 6:30 p.m.; and Authorize the City Manager to Execute Contract No. 11-C963 with Prothman to Assist in

the Recruitment of the Next City Manager. Motion passed 5 – 1, with Councilmember John Hendrickson voting no.

CONSENT AGENDA ITEM E: Authorize City Manager to Execute Contract No. 11-C964 with the Jorve Corporation in the Amount of \$32,068.32 for the Roofing and Gutter Replacement Project at the Senior Center.

Discussion followed.

Councilmember Laurie Sperry moved to Authorize City Manager to Execute Contract No. 11-C964 with the Jorve Corporation in the Amount of \$32,068.32 for the Roofing and Gutter Replacement Project at the Senior Center. Councilmember Glenn Rogers seconded the motion. The motion passed 5 – 1, with John Hendrickson voting no.

CITIZEN COMMENTS

Gareth Jeffers, Kenmore Senior Center, 6910 NE 170th, Kenmore, was present to thank the City Council for the approval of the new roof for the Senior Center.

Dean Phillips, 7112 NE 168th Street, Kenmore, was present to state that the LakePointe site would make a good park and that the City should build a Community Center on the Kenmore Village property.

Mayor David Baker summarized the citizen comments.

BUSINESS AGENDA

Authorize the City Manager to Execute Local Agency Agreement No. 11-C962 for 61st Avenue NE and NE 181st Traffic Signal Construction Funding with the Washington Department of Transportation in the Amount of \$650,000 - Ron Loewen, City Engineer, and Fred Stouder, City Manager, were all present to discuss and answer any questions.

Discussion followed.

Councilmember Glenn Rogers moved to Authorize the City Manager to Execute Local Agency Agreement No. 11-C962 for 61st Avenue NE and NE 181st Traffic Signal Construction Funding with the Washington Department of Transportation in the Amount of \$650,000. Councilmember Bob Hensel seconded the motion. The motion passed unanimously.

Consideration of Amendments to the Shoreline Master Program (SMP) as Required and Suggested by the Department of Ecology – Debbie Bent, Director of Community Development, and Lauri Anderson, Senior Planner, were present to discuss and answer any questions.

Discussion followed

Mayor David Baker moved to table the consideration of this item until after staff has the opportunity to correspond with the affected property owners and to answer their questions. Councilmember Glenn Rogers seconded the motion. The motion passed unanimously.

COUNCILMEMBER COMMENTS/REPORTS

Councilmember Glenn Rogers stated that he participated in a ribbon-cutting ceremony at the new Key Bank this past week, and it was well attended by folks in our City. He stated that he is looking forward to more of those institutions coming into our City.

ADJOURNMENT

Mayor David Baker adjourned the regular meeting at 8:03 p.m.

Mayor David Baker

ATTEST:

Janice Gates, Acting City Clerk

City of Kenmore

Voucher Certification and Approval

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein and that the following claims, paid by checks 24676- 24762 which total \$575,690.35 are just, due, and unpaid obligations against the City of Kenmore/King County/Washington, and that I am authorized to authenticate and certify to said claims.


 City Manager

Date

 10-13-11
 Finance Director

Date

Check	Name	Description	Net amount
24676	BAKER, DAVID	Bus. Mtgs. & NLC Conf. Reimbursement	\$ 171.92
24677	CB RICHARD ELLIS, INC	Kenmore Village Valuation	4,250.00
24678	KING COUNTY RECORDER'S OFFICE	Storm Drainage Easement Record	69.00
24679	KING COUNTY SHERIFF	August 2011 Police Contract	225,121.50
24680	OM WORKSPACE	Council & PD Office Furniture	19,203.22
24681	NATIONWIDE FINANCIAL 401a	Payroll Entry	9,346.88
24682	NATIONWIDE RETIREMENT SOLUTIONS 457	Payroll Entry	1,570.00
24683	ICMA RETIREMENT TRUST 457 - 304745	Payroll Entry	2,219.22
24684	DRS 457	Payroll Entry	1,706.66
24685	CITY OF KENMORE FS	Payroll Entry	176.96
24686	BANK OF AMERICA 941	Payroll Entry	11,177.71
24687	DEPARTMENT OF RETIREMENT SYSTEMS	Payroll Entry	8,823.27
24688	DEPARTMENT OF LABOR AND INDUSTRIES	Payroll Entry	1,387.78
24689	STATE OF FLORIDA DISBURSEMENT UNIT	Payroll Entry	275.00
24690	ACTION ENTERTAINMENT	10/21/11 Kenmore Jr. High Dance	395.00
24691	ACTION ENTERTAINMENT	10/31 Northshore Jr. High Dance	395.00
24692	BRAVO ENVIRONMENTAL SERVICE	Services - Drainage 9/21/11	1,998.75
24693	CITY OF LAKE FOREST PARK	Sept Billing - Materials & Fruhling Invoice	59,404.92
24694	COASTWIDE LABORATORIES	Supplies - Parks Restrooms	458.77
24695	DEPARTMENT OF LICENSING	New Employee Driving Abstract	10.00
24696	FLEX ONE/AFLAC BENEFIT SERVICES	July, 2011 Service Fee	50.00
24697	FRUHLING SAND & TOPSOIL	Asphalt Dumping	30.00
24698	FULL MAINTENANCE GARDENING	Landscape Maint. - City Hall	373.40
24699	CALPORTLAND COMPANY	6818 NE 160th Sinkhole Repair	40.00
24700	GRAY & OSBORNE, INC	8/21-9/17 SW1 Tributary 0057	5,242.82
24701	H.W. LOCHNER, INC.	10-C878 NE 145th Signal 8/20-9/16/11	1,028.86
24702	HOME DEPOT	Overlay Driveway Materials	199.12
24703	HOPELINK	Qtr 3 Transitional Housing & Emerg. Shelter	4,958.75
24704	INSLEE, BEST, DOEZIE & RYDER, P.	Legal Svc thru 8/31	30,686.29
24705	KENMORE HERITAGE SOCIETY	Qtr 3 2011 History Book Sales	25.00
24706	KING COUNTY W.L.R.D.	2011 Qtr 2 Interlocal Agreement	31,754.41
24707	KING COUNTY ANIMAL SVCS	Sept 2011 Pet Licenses	620.00

VB. Approval of Claim Nos. 24676-24762 in the Amount of \$575,690.35 for the Period Ending September 22, 2011.

24708	NAMI EASTSIDE	Qtr 3 Education, Support, Advocacy	400.00
24709	NEXTEL COMMUNICATIONS	8/25-9/24/11 Cell Phones	986.56
24710	NORTHSHORE FIRE DEPT	Fire Marshal Plans Review - Sept.	260.00
24711	NORTHSHORE UTILITY DIST	Rhododendron Pk Restroom Sewer	15,871.22
24712	OFFICE MAX	Office Supplies Ordered 9/13/11	1,591.09
24713	OFFICE TEAM	Temporary Staffing 9/6-9/9/11	570.00
24714	OTAK	Services through 9/9/11	7,480.25
24715	PACIFIC NW TITLE CO OF WA, INC	Litigation Guarantee PP#74 & PP#75	808.12
24716	PACIFIC TOPSOILS	Materials - ROW, Drainage	489.57
24717	PUGET SOUND ENERGY	City Hall Gas 8/29-9/28	8,353.50
24718	PSR MECHANICAL	Qtrly Svc Contract - Bldg Repair	735.84
24719	CEMEX	Driveway Repairs - Overlay	567.45
24720	SEATTLE TIMES	Classified Ads 9/15 & 9/22/11	135.88
24721	STEWART BEALL MACNICHOLS	Sept. 2011 Public Defender Services	3,000.00
24722	TOTAL LANDSCAPE CORP	Park&Ride Landscape Maint Jul-Sept	459.90
24723	WASHINGTON STATE DEPT OF INFO SVCS	Listserve & Adobe Software	869.48
24724	WASHINGTON STATE OFFICE CASH MGMT	Qtr 3 2011 State Bldg Permit F	283.50
24725	AFLAC	Sept. Service Fee	50.00
24726	AURORA RENTS	204th Driveway Overlay Equipment	618.72
24727	SEES TREES AND EXCAVATION INC	Tree Limbing - 68th Ave & NE 170th	306.60
24728	DAY WIRELESS SYSTEMS	Onsite SMD Calibrations (Radar Guns)	1,316.19
24729	VAN NESS, ALLAN	Sept. 2011 Mileage Reimbursement	77.37
24730	KONICA MINOLTA BUSINESS SOLUTIONS	Qtr 3 2011 Lease & Usage	2,138.20
24731	TELESYSTEMS WEST	Police Improvements 2nd Floor	920.08
24732	KELLY PRINTING & GRAPHICS	"Budget At A Glance" Copies	1,777.19
24733	AT WORK	3rd Qtr 2011 Community Liason	625.00
24734	DIGITAL REPROGRAPHICS SERVICES INC.	Mounting of Maps on Foam Board	388.67
24735	QUALITY BUSINESS SYSTEMS	Sept. 2011 Photo Copier X765Z	1,103.77
24736	PERKINS COIE	Aug. 2011 Prof Svc - Urban Par	7,298.50
24737	GREGORY, JOANNE	8/7-10/6/11 Cell Ph Reimbursement	89.98
24738	UNIVERSAL FIELD SERVICES	Abagobez Aquisition Aug 2011	1,061.01
24739	SHRED-IT	Shredding 9/28/11	49.50
24740	SHATTUCK, NANCY	Sept. 2011 DV Victim Advocacy	800.00
24741	GORDON DERR	Aug. 2011 Atty Svcs - Brier CA	3,744.00
24742	GORDON THOMAS HONEYWELL	Govt. Affairs - Sept. 2011	3,137.97
24743	SARAH ROBERTS	Sept. 2011 Prosecution Service	9,300.00
24744	FRONTIER	SEP 2011 CH Phone Services	850.24
24745	SUSSMAN/PREJZA & CO, INC	Prof Svcs Aug 2011 Wayfinding	633.37
24746	INDEPENDENT STATIONERS	Office Supplies Ordered 8/15/11	587.39
24747	WELLS FARGO FINANCIAL	10/10/11-11/10/11 Xerox Copier	803.43
24748	SNOHOMISH COUNTY SHERIFF'S OFFICE	Jail Service Fees for Sept. 20	28,178.75
24749	SNOHOMISH COUNTY SHERIFF'S OFFICE	Inmate Medical Sept. 2011	22.40
24750	HOPKINS, CRAIG	Mileage Reimbursement Sept. 2011	63.27
24751	DEVRIES, DENIS	Mileage Reimbursement Sept. 2011	20.54
24752	OFFICE CLEANING CREW	Oct. 1st - 10th - 7 Working Days	640.00
24753	CUSTER SPORTSMEN'S CLUB, INC	Range Rental - August 30, 2011	150.00
24754	PURDY, MICHAEL E.	Consulting-City's Purchasing Policy	375.00
24755	BANG, ROBERT	Land & Temporary Easement SR522	3,197.00
24756	COMPASS POINTE CONDOMINIUM HOA	Land & Temporary Easement	11,100.00
24757	JACOBSON, BETTS & COMPANY	Sept. Svc. Job & Compensation	1,536.00
24758	FRUHLING SAND & TOPSOIL	Swamp Creek Pond Maint - Dumping	21,335.00

VB. Approval of Claim Nos. 24676-24762 in the Amount of \$575,690.35 for the Period Ending September 22, 2011.

24759	NORTHSHORE UTILITY DIST	Log Boom Park Irr. 7/31-9/30/11	4,599.66
24760	AWC EMPLOYEE BENEFITS	Payroll Entry	509.48
24761	WA GUARANTEED EDUCATION TUITION	Payroll Entry	207.50
24762	UNITED WAY OF KING COUNTY	Payroll Entry	46.00

<u>\$</u>	<u>575,690.35</u>
-----------	-------------------

PRIOR VENDOR ACTIVITY

**Previous
YTD**

3CMA	375.00
A+ CONFERENCING	203.79
AA PARTY RENTALS	3,070.92
ABBOTT, CARRIE	250.00
ACTION ENTERTAINMENT	1,090.00
ACTIVE SHOOTER TRAINING LLC	815.90
ADT SECURITY SERVICES	1,092.76
ADVANCE TESTING & SERVICE INC	459.00
AFLAC	8,859.73
ALCALDE & FAY	60,503.01
ALLIANCE OF PEOPLE W/ DISABILITIES	386.25
ALLIED WASTE SERVICES #172	7,850.31
ALPHA COURIER SERVICES	33.60
AM TEST, INC	1,395.00
AMERICAN ASSOC OF CODE ENFORCEMENT	75.00
AMERICAN GENERAL	4,192.20
AMERICAN PLANNING ASSOCIATION	1,501.00
AMERICAN PUBLIC WORKS ASSOCIATION	503.42
AMERICAN REPROGRAPHICS COMPANY	127.43
AMERICAN SOCIETY OF COMPOSERS	305.00
AMES2BFIT	50.00
ANDERSON, LAURI	27.94
ANDONIADIS INC	1,302.44
APPLIED PROFESSIONAL SERVICES INC	1,536.93
ARGENS	15.88
ARTS OF KENMORE	500.00
ASP, ANGELA	210.00
ASSOCIATION OF WA CITIES	13,970.00
AT WORK	1,855.25
AURORA RENTS	2,518.04
AWC EMPLOYEE BENEFITS	333,848.79
BABB, MICHELLE	186.92
BADGLEY'S LANDSCAPE LLC	2,190.00
BAKER, DAVID	2,503.20
BANK OF AMERICA 941	248,867.66
BANNER BANK BH	463.61
BANNER BANK CS	5,480.71
BANNER BANK DB	930.49
BANNER BANK JG	7,370.57
BANNER BANK JGORDON	9,569.66

VB. Approval of Claim Nos. 24676-24762 in the Amount of \$575,690.35 for the Period Ending September 22, 2011.

BANNER BANK	KENMORE	29,072.14
BANNER BANK	LB	1,855.30
BANNER BANK	LD	6,021.80
BANNER BANK	NO	5,249.15
BARCLAY DEAN ARCHITECTUAL PRODUCTS		711.75
BASTYR UNIVERSITY		220,783.70
BAYLES, GREGORY		50.00
BEEGEE TOLPA		700.00
BEKINS NORTHWEST		303.45
BENNETT, STUART		29.36
BIG BUBBA DOG LLC		1,500.00
BIS		4,160.00
BLACKBAUD		4,956.23
BLUE WAVE CONSTRUCTION, INC		24,671.83
BODINE CONSTRUCTION SERVICES, INC		383.25
BOTHELL SKI & BIKE		120.44
BOWHEAD ENVIRONMENTAL & SAFETY		414.59
BRABEC, MARY		3,500.00
BRADY, DAVID		84.00
BRAVO ENVIRONMENTAL SERVICE		122,488.07
BULGER SAFE & LOCK, INC.		98.55
C. ANDERSON & CO.		1,209.98
CALIBRE HOMES, INC		7,500.00
CALPORTLAND COMPANY		4,740.98
CANOPIES BY FRED		647.15
CARLSON, THOMAS G.		1,193.31
CASCADE PEST CONTROL		1,669.91
CATHOLIC COMMUNITY SERVICES		4,512.75
CEMEX		7,081.25
CENTER FOR HUMAN SERVICES		24,040.00
CHAMPION COURIER		78.25
CHILDERS, MARK		1,069.96
CITY OF BELLEVUE		428,831.65
CITY OF CLYDE HILL		583.00
CITY OF KENMORE FS		3,788.03
CITY OF LAKE FOREST PARK		605,538.57
CITY OF RENTON		980.00
CITY OF SHORELINE		993.76
CLARITY SIGNS		2,602.28
CLUB NORTHWEST		30.00
CLYDE/WEST		1,215.87
COASTAL WEAR PRODUCTS INC		2,701.02
COASTWIDE LABORATORIES		5,443.89
CODE 4 PUBLIC SAFETY EDUCATION		198.00
CODE PUBLISHING COMPANY		547.50
COFFMAN, JON		183.00
COLUMBIA BANK		11,099.56
COLUMBIA FORD		26,352.28
COLUMBIA RIDGE LANDFILL		17,619.41
COMCAST		1,208.90
COMMERCIAL SOUND, INC.		1,444.26

VB. Approval of Claim Nos. 24676-24762 in the Amount of \$575,690.35 for the Period Ending September 22, 2011.

CONSEJO COUNSELING & REF	2,125.00
CONSOLIDATED PRESS	5,043.08
CONTECH STORMWATER SOLUTIONS, INC	15,444.98
CORNERSTONE ROOFING	98.50
COSTCO RETAIL SERVICES	27.62
COX PRINTING & SIGNS	399.68
CPSWQ	100.00
CROWN PRODUCTS	2,042.85
CSAT, LLC	1,600.00
CURRY, ROSS	183.00
CUSTER SPORTSMEN'S CLUB, INC	150.00
DAILY JOURNAL OF COMMERCE	821.80
DANSOUND INC	6,487.89
DAS MANUFACTURING, INC.	10,413.75
DBM CONTRACTORS, INC	215,717.62
DELL MARKETING L.P.	4,275.06
DEPARTMENT OF ECOLOGY	5,082.52
DEPARTMENT OF LABOR AND INDUSTRIES	29,286.12
DEPARTMENT OF LICENSING	10.00
DEPARTMENT OF RETIREMENT SYSTEMS	165,046.24
DEVRIES, DENIS	159.95
DIAMOND TRAFFIC PRODUCTS	190.36
DIGITAL REPROGRAPHICS SERVICES INC.	1,591.79
DISSTON, GALEN	1,500.00
DOWL HKM	12,595.00
DRS 457	34,881.36
DUNN LUMBER COMPANY	1,759.14
DURRANT, JEFF	879.25
EARTHCORPS	15,204.18
EAST JORDAN IRON WORKS	1,152.48
EDGE CONCRETE CONSTRUCTION, LLC	1,250.00
EFFICIENCY INC	949.37
EMERGENCY FEEDING PROGRAM	3,125.00
EMERGENCY SERVICE COORDINATING AGCY	56,137.00
EMPLOYMENT SECURITY DEPT	1,602.62
ENTERTAINMENT FIREWORKS INC	12,025.00
ENVIRONMENTAL SYSTEMS RESEARCH INST	2,554.01
ESA ADOLFSON	11,624.89
EVANS, C. WILLIAM	5,247.00
EVERGREEN PRINT SOLUTIONS	655.54
EVERGREEN SAFETY COUNCIL	175.00
EVER-MARK, LLC	1,320.33
EXTREME PROMOTIONS	522.00
FAZZARI MARKETING	1,689.29
FEARON, CLINTON	2,000.00
FEASEL, ROBERT	665.00
FEDEX OFFICE	26.61
FERGUSON ENTERPRISES INC	18,869.17
FIRE PROTECTION, INC	3,506.16
FRONTIER	60,845.31
FRUHLING SAND & TOPSOIL	2,128.31

VB. Approval of Claim Nos. 24676-24762 in the Amount of \$575,690.35 for the Period Ending September 22, 2011.

FULL MAINTENANCE GARDENING	3,807.50
GEOENGINEERS INC	40,372.05
GIBBONS & RIELY, PLLC	750.00
GORDON DERR	4,266.00
GORDON THOMAS HONEYWELL	33,973.06
GOVERNMENT FINANCE OFFICERS ASSOC	190.00
GRAHAM CONTRACTING LTD.	443,599.44
GRAINGER	6,478.57
GRAY & OSBORNE, INC	4,304.27
GREGORY, JOANNE	1,021.66
GREYSTONE COMMERCIAL SERVICE LP	174.79
GRIESEL, LEONARD	5,849.50
H.W. LOCHNER, INC.	249,272.28
HAMMOND COLLIER WADE LIVINGSTONE	1,050.00
HANSON CONSULTING SERVICES	1,269.00
HARRIS COMPUTER SYSTEMS	6,317.06
HARRIS, LESLIE	864.67
HDR	198,947.75
HEARTLAND	22,920.97
HEATERMEALS	1,193.21
HESSLER, ANDREW	1,800.00
HERO HOUSE	1,161.25
HICKS, KATHLEEN	97.64
HOME DEPOT	893.20
HONEY BUCKET	1,020.40
HOPELINK	42,804.00
HOPKINS, CRAIG	364.16
HORIZON DISTRIBUTORS INC	680.48
HULQUIST HOMES	7,500.00
ICMA RETIREMENT TRUST 457 - 304745	48,072.84
ICOMPASS TECHNOLOGIES, INC.	16,600.00
INDEPENDENT STATIONERS	5,730.38
INFRASOURCE CONTRACTING LLC	29.36
INGLEWOOD GOLF COURSE	2,475.00
INSLEE, BEST, DOEZIE & RYDER, P.S.	231,813.01
INSTITUTE FOR FAMILY DEVELOPMENT	6,938.00
INSTRUMENTATION NORTHWEST INC.	1,560.58
INTEGRA TELECOM	8,193.84
INTERNATIONAL CITY/CNTY MGMT ASSOC	2,154.43
INTERNATIONAL INST OF MUNI CLERKS	560.00
IRIS WINDOW COVERINGS NW, INC.	1,382.81
iWORQ SYSTEMS	4,800.00
J&K ASSOCIATES	10,789.04
J. MURPHEY CONSTRUCTION	42.67
JBS INSTRUMENTS	3,360.75
JET CITY PRINTING	4,390.37
JOHN E. REID & ASSOCIATES	580.00
JONES & STOKES	129.31
JRW ENTERPRISES	413.36
JURASSIC PARLIAMENT	2,202.60
KCDA PURCHASING COOP	9,328.55

VB. Approval of Claim Nos. 24676-24762 in the Amount of \$575,690.35 for the Period Ending September 22, 2011.

KEEP POSTED INC	173.00
KELLY PRINTING & GRAPHICS	6,156.11
KELLY THOMAS, INC.	11,587.29
KENMORE ELEMENTARY PTA	5,666.67
KENMORE HERITAGE SOCIETY	25.00
KENYON DISEND, PLLC	14,104.37
KEY EQUIPMENT FINANCE	2,697.00
KING COUNTY	1,672.65
KING COUNTY W.L.R.D.	274,487.30
KING COUNTY ANIMAL SVCS	4,835.00
KING COUNTY ARCHIVES	82.90
KING COUNTY DEPT OF CONST PROP SVCS	1,503.57
KING COUNTY DISTRICT COURT	35,497.00
KING COUNTY FINANCE	985,511.04
KING COUNTY FIRE DISTRICT	850.00
KING COUNTY LIBRARY SYS	33,440.00
KING COUNTY PARKS	5,339.21
KING COUNTY PUBLIC DEFENSE	8,594.00
KING COUNTY RADIO COMM SERVICES	9,463.52
KING COUNTY RECORDER'S OFFICE	470.00
KING COUNTY SHERIFF	2,294,769.39
KING COUNTY TREASURY	38,465.70
KONICA MINOLTA BUSINESS SOLUTIONS	7,876.41
KUKER-RANKEN INC	536.98
KUSTOM SIGNALS, INC.	500.33
LACHAPELLE, NATALIE	300.00
LEE, MYUNG	2,252.00
LIGHTHOUSE CONSULTING INC	31,034.82
LOEWEN, RON	76.00
LONGFELLOW, JONATHAN	420.00
LORBIECKI, GLENN	50.00
LYONS, KEN	6,687.40
MAACO	368.96
MAAS, NORMAN	2,520.00
MAIL FINANCE	2,770.90
MATRIX CONSULTING GROUP	38,127.00
McKEE & SCHALKA	5,500.00
MIDMOUNTAIN CONTRACTORS, INC	82,850.60
MILNE ELECTRIC, INC	24,991.83
MINZGHOR, NICHOLAS	1,411.92
MOBILE ELECTRICAL DISTRIBUTORS INC	35.30
MR. T'S TROPHIES	1,136.14
NAMI EASTSIDE	400.00
NATIONAL ALLIANCE ON MENTAL ILLNESS	1,481.50
NATIONAL ASSOC OF PARLIAMENTARIANS	85.00
NATIONAL BARRICADE CO	2,943.91
NATIONAL LEAGUE OF CITIES	5,439.00
NATIONAL LIFE OF VERMONT	3,833.79
NATIONWIDE FINANCIAL 401a	209,935.46
NATIONWIDE RETIREMENT SOLUTIONS 457	25,790.00
NEBC	195.00

VB. Approval of Claim Nos. 24676-24762 in the Amount of \$575,690.35 for the Period Ending September 22, 2011.

NetVersant	9,959.70
NEXTEL COMMUNICATIONS	8,962.36
NEXXPOST	287.31
NORTH CREST DEVELOPMENT CORP.	1,794.00
NORTHSHORE FIRE DEPT	8,042.60
NORTHSHORE PAVING INC	537.90
NORTHSHORE SENIOR CENTER	12,250.00
NORTHSHORE UTILITY DIST	92,255.34
NORTHSHORE YOUTH & FAMILY SERVICES	25,000.00
OAC SERVICES, INC	44,469.71
OAKSTONE WELLNESS	128.07
OFFICE CLEANING CREW	7,862.85
OFFICE DEPOT	917.01
OFFICE TEAM	12,813.71
OLYMPIC ENVIRONMENTAL RESOURCES	27,627.94
OM WORKSPACE	5,418.58
OSTROM DRUGS	557.40
OTAK	143,293.12
OUSLEY, NANCY	1,179.63
PACE ENGINEERS, INC.	3,057.50
PACIFIC NW TITLE CO OF WA, INC	1,171.00
PACIFIC TOPSOILS	8,470.94
PASSPORT TRAVEL AND TOURS	5,130.80
PAWS	8,105.00
PENDLETON CONSULTING LLC	10,044.47
PEOPLES STORAGE	1,891.00
PERKINS COIE	9,428.59
PETTY CASH CUSTODIAN	1,566.83
PHOTOTAINMENT	876.00
PHSI PURE WATER FINANCE	1,207.56
PLATT	506.41
PRIME PACIFIC BANK	60.00
PRO-VAC	15,817.98
PRSA	277.00
PRUDENTIAL	1,119.39
PUGET SOUND BUSINESS JOURNAL	94.00
PUGET SOUND CLEAN AIR AGENCY	10,989.00
PUGET SOUND ENERGY	683,890.09
PUGET SOUND FINANCE OFFICERS ASSOC	50.00
PUGET SOUND REFRIGERATION	2,207.52
PUGET SOUND REGIONAL COUNCIL	7,390.00
PURDY, MICHAEL E.	150.00
PURE WATER TECH OF PUGET SOUND	136.88
QUALITY BUSINESS SYSTEMS	15,221.77
RANDALL, BRIAN	296.37
RICHARD & SHARON ARKLEY LIVING TRUS	2,300.00
RODGERS, MICHAEL	184.00
ROGERS, GLENN	2,512.74
RON KASPRISIN AIA	902.29
ROUNDY, CASSANDRA	50.00
S & S UPHOLSTERY	2,135.25

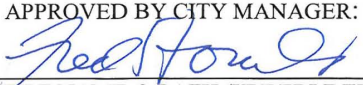
VB. Approval of Claim Nos. 24676-24762 in the Amount of \$575,690.35 for the Period Ending September 22, 2011.

SAFRIN, PATTY	979.57
SARAH ROBERTS	92,100.00
SCHINDLER ELEVATOR CORPORATION	1,243.37
SCHLOTZHAUER FIRM PS	13,080.00
SEATTLE TIMES	5,699.98
SECRETARY OF STATE	55.00
SEES TREES AND EXCAVATION INC	3,131.70
SEMAIHMUO RESORT	520.56
SERVICE ELECTRIC	869.08
SHARAM FAMILY	19,444.40
SHATTUCK, NANCY	8,000.00
SHORELINE PUBLIC SCHOOLS	450.00
SHRED-IT	544.50
SMITH, JARRETT	50.35
SNOHOMISH COUNTY	78,742.06
SNOHOMISH COUNTY SHERIFF'S OFFICE	42,274.39
SOUND LAW CENTER	12,131.00
SOUND PUBLISHING, INC.	4,539.30
SPECIAL ASPHALT PRODUCTS	5,996.09
SPERRY, LAURIE	250.00
STAPLES ADVANTAGE	7,273.19
STAR NORTHWEST, INC	56,941.47
STARLIGHT CHILDRENS FOUNDATION	190.00
STATE AUDITOR'S OFFICE	19,091.44
STATE OF FLORIDA DISBURSEMENT UNIT	1,100.00
STEPHENS, MARY	8,750.00
STEWART BEALL MACNICHOLS	38,300.00
STOUDER, FRED	1,359.01
STRIPE RITE, INC.	1,215.45
SUBURBAN CITIES ASSOC	11,829.87
SUNBELT	4,361.00
SUSKIN, LYNN	804.10
SUSSMAN/PREJZA & CO, INC	50,788.59
TACOMA SCREW PRODUCTS, INC.	159.70
TELESYSTEMS WEST	914.33
THE KIPLINGER TAX LETTER	89.00
THE PIN CENTER	920.00
THE WILDERS	2,000.00
TIGER CONSTRUCTION & EXCAVATION	5,950.00
TIMEMARK INCORPORATED	106.76
TITAN OUTDOOR, LLC	862.00
TOTAL LANDSCAPE CORP	74,410.21
TOWN & COUNTRY FENCE, INC	427.05
TOWNE CENTRE HARDWARE	788.32
TRAFFIC COUNT CONSULTANTS, INC	5,250.00
TRAN, SHAUN & DINH LIEU	415.80
T-TRAN LANDSCAPING & CONCRETE	8,760.00
ULI/SEATTLE DISTRICT CNCL	45.00
UNITED STATES POSTMASTER	1,548.44
UNITED WAY OF KING COUNTY	1,219.00
UNIVERSAL FIELD SERVICES	18,640.24

VB. Approval of Claim Nos. 24676-24762 in the Amount of \$575,690.35 for the Period Ending September 22, 2011.

UNIVERSITY OF WASHINGTON	1,210.00
URBAN LAND INSTITUTE	225.00
US POSTAL SERVICE (HASLER)	4,450.82
VAN NESS, ALLAN	2,707.62
VAUGHAN, KENT	76.00
W.S.S.R.O.A.	450.00
WA ASSOC FOR FLOODPLAIN MANAGEMENT	100.00
WA ASSOC OF CODE ENFORCEMENT	40.00
WA CITIES INSURANCE AUTHORITY	124,502.00
WA FINANCE OFFICERS ASSOCIATION	450.00
WA GUARANTEED EDUCATION TUITION	4,565.00
WA RECREATION & PARK ASSOCIATION	129.00
WA STATE DEPARTMENT OF AGRICULTURE	33.00
WA STATE DEPT OF LABOR & INDUSTRIES	120.20
WA STATE DEPT OF RETIREMENT SYS	154.70
WA STATE DEPT OF TRANSPORTATION	5,472.01
WA STATE PARKS & RECREATION	2,700.00
WARDS NATURAL SCIENCE	1,237.95
WARNER, LOUIS	1.02
WASHINGTON CITY/COUNTY MGMT ASSOC	160.00
WASHINGTON ENERGY SERVICES	120.70
WASHINGTON MILITARY DEPARTMENT	5,009.34
WASHINGTON MUNICIPAL CLERKS ASSOC	75.00
WASHINGTON STATE DEPT OF INFO SERV	14,276.91
WASHINGTON STATE DEPT OF REVENUE	5,003.62
WASHINGTON STATE OFFICE CASH MGMT	769.50
WASHINGTON TREE SERVICE INC	2,847.00
WEINSTEIN AU	22,005.11
WELLS FARGO BANK	803.43
WELLS FARGO FINANCIAL	4,435.70
WONDERLAND DEVELOPMENT	11,415.00
YAKIMA COUNTY DEPT. OF CORRECTIONS	59,400.05
YAMASATO, JON	1,750.00
YAZDIDOOST, KAMRAN	4,305.60
ZESBAUGH, INC.	423.77
ZONAR SYSTEMS	525.33
ZORNES, GARY	230.00
ZUMAR	456.90
	10,777,209.36

VB. Approval of Claim Nos. 24676-24762 in the Amount of \$575,690.35 for the Period Ending September 22, 2011.

CITY OF KENMORE, WASHINGTON			
AGENDA BILL SUMMARY			
AGENDA TITLE			MEETING DATE
Report and Discussion From October 20, 2011 Community Meeting on LakePointe KGM Support Activities for SR 520 Bridge Project			October 24, 2011
DEPARTMENT	DIRECTOR	CONTACT PERSON	PHONE
Executive	Fred Stouder City Manager	Fred Stouder City Manager	425-398-8900
COST OF PROPOSAL: N/A Various administrative personnel time		ACCOUNT NUMBER:	
AMOUNT BUDGETED: N/A		NAME AND FUND #: N/A	
ATTACHMENT(S) TO AGENDA PACKET ITEM: Community Meeting Agenda / Flyer			
SUMMARY STATEMENT: On Thursday, October 20, 2011 at 6:30 p.m. in City Hall was a discussion regarding the proposed interim use of the LakePointe site for work in precasting of materials in support of the SR 520 bridge replacement project. The City Manager will report on the discussion of the community meeting.			
CONSISTENT WITH OR COMPARISON TO PAST COUNCIL POLICIES, ORDINANCES, DIRECTION:			
RECOMMENDED CITY COUNCIL ACTION/SUGGESTED MOTION: Hear presentation and summary of the October 20 th Community Meeting.			
REVIEWED BY FINANCE DIRECTOR:	REVIEWED BY CITY ATTORNEY:	APPROVED BY CITY MANAGER: 	
TODAY'S DATE: October 14, 2011	REVISION DATE(S):	FILE NAME & PATH (HYPERLINK):	

City of Kenmore, Washington
Community Meeting

LakePointe Site Interim Use

***Proposed three-year project to precast
component materials in support of the
SR 520 Bridge Replacement Project***

Thursday, October 20, 2011

6:30 p.m. Open House • 7:00 p.m. Presentation

Kenmore City Hall, 18120 68th Ave NE

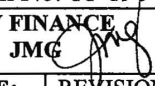
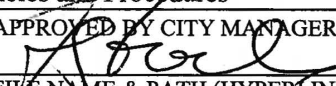
Kiewit-General-Manson (KGM), the design/build contractor chosen by Washington State Department of Transportation (WSDOT) for the SR 520 Bridge Project, is proposing to use a portion of the LakePointe property as a supplemental construction yard, with site preparation and maintenance, component construction, and barge transportation to the SR 520 Bridge.

Project representatives present will include:

WSDOT SR 520 Floating Bridge Project
Property Owner, Pioneer Towing
Kiewit Infrastructure/KGM
City of Kenmore

Information about the proposed project
is available on the City's website,
www.kenmorewa.gov.



CITY OF KENMORE, WASHINGTON			
AGENDA BILL SUMMARY			
AGENDA TITLE			MEETING DATE
Resolution No. 11-190 Adopting Updated Purchasing Policies and Procedures			October 24, 2011
DEPARTMENT	DIRECTOR	CONTACT PERSON	PHONE
Finance	Joanne Gregory	Joanne Gregory	425-398-8900
COST OF PROPOSAL: N/A		ACCOUNT NUMBER: Various	
AMOUNT BUDGETED: N/A		NAME AND FUND #: All Funds	
ATTACHMENT(S) TO AGENDA PACKET ITEM: 1. Resolution No. 11-190 Adopting Updated Purchasing and Contracting Policies and Procedures; and Repealing Resolution Nos. 01-147 and 06-114, with Exhibit A 2. Resolution 06-114 Amending the Bid Protest and Appeal Procedure of the City's Purchasing Policy 3. Resolution 01-147 Adopting The City of Kenmore Purchasing Policy 4. City of Kenmore Purchasing Parameters and Policies July 2001			
SUMMARY STATEMENT: A revised version of the City of Kenmore's Purchasing Policies is submitted for City Council approval to reflect a number of changes in State law, increase and update approval authorities, and clarify procedures. The existing Purchasing Policies were established by Resolution 01-147 in 2001. A revision regarding bid protests was approved by Resolution 06-114 in 2006. In 2009, the Revised Code of Washington, RCW 39.04.155, increased the definition of small public works from \$200,000 to \$300,000. This is an important update to the City's policies since the more restrictive policy regarding bids of public works must apply. Also the City of Kenmore's population has increased to greater than 20,000 which changes the applicability of certain statutes governing purchasing and public works. Included in these changes is the removal of the statutory bid requirement for purchases of materials, supplies and equipment not related to public works although the City policy still retains criteria for approval and procurement of these items in Section III. Section IV regarding Public Works has been revised to reflect the change in RCW 39.04.155 increasing the definition of small public works to \$300,000 and changing the noticing requirement for contractor solicitations on the small works roster. A clarification of the use of City forces for public works projects of a single trade or multiple trade was inserted. Sections V and VI were revised to increase the approval authority limits. Here also there is no statutory requirement for bids for service other than the requirements set out for Requests for Qualifications in RCW 39.80 which regards Architectural, Landscape Architectural, Engineering and Land Surveying professional services.			
CONSISTENT WITH OR COMPARISON TO PAST COUNCIL POLICIES, ORDINANCES, DIRECTION: Consistent with RCW 35A.40.200 General law relating to public works and contracts; RCW 35A.40.210 Public work or improvement –Procedures-Purchases; RCW 39.04.155 Small works roster contract procedures – Limited public works process-Definition.			
RECOMMENDED CITY COUNCIL ACTION/SUGGESTED MOTION: Pass Resolution No. 11-190 Adopting Updated Purchasing Policies and Procedures			
REVIEWED BY FINANCE DIRECTOR: 	REVIEWED BY CITY ATTORNEY:	APPROVED BY CITY MANAGER: 	
TODAY'S DATE: October 7, 2011	REVISION DATE(S):	FILE NAME & PATH (HYPERLINK)	

I:\Admin & Finance\Finance Policies\PurchasingPolicyAmended2011AB.doc

**CITY OF KENMORE
WASHINGTON
RESOLUTION NO. 11-190**

**A RESOLUTION OF THE CITY OF KENMORE, WASHINGTON,
ADOPTING UPDATED PURCHASING AND CONTRACTING
POLICIES AND PROCEDURES; AND REPEALING RESOLUTION
NOS. 01-147 AND 06-114.**

WHEREAS, the City of Kenmore adopted purchasing and contracting policies by Resolution 01-147 to ensure efficient and cost-effective procurement of goods and services; and

WHEREAS, the City amended said policies by Resolution 06-114 to conform to an amendment to RCW 39.04.105; and

WHEREAS, the City has determined that it is necessary and appropriate to update the current purchasing and contracting policies; and

WHEREAS, the City desires to also amend the purchasing and contracting policies to conform to a 2009 legislative amendment to RCW 39.04.155 which increased the small public works limit from \$200,000 to \$300,000; and

WHEREAS, the City Council desires to repeal Resolution No. 01-147 and Resolution No. 06-114;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. Purchasing and Contracting Policies and Procedures. The City Council hereby adopts the City of Kenmore Purchasing and Contracting Policies and Procedures attached hereto as Exhibit "A" and incorporated herein by reference.

Section 2. Repealer. Resolution Nos. 01-147 and 06-114 are hereby repealed.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, AT A REGULAR MEETING THEREOF ON THE 24th DAY OF OCTOBER, 2011.

CITY OF KENMORE

Mayor David Baker

ATTEST/AUTHENTICATED:

Approved as to form:

Lynn Suskin, City Clerk

Rod Kaseguma, City Attorney

City of Kenmore Purchasing and Contracting Policies and Procedures

CITY OF KENMORE

*PURCHASING and CONTRACTING POLICIES and
PROCEDURES*

*ADOPTED JULY, 2001
AMENDED FEBRUARY, 2006
AMENDED OCTOBER, 2011*

TABLE OF CONTENTS

CHAPTER	TITLE	PAGE #
I.	Policy Statement	3
II.	Regulations and Reference	4
III.	Purchases of Supplies, Materials and Equipment Not Related to Public Works	5
	A. Approval Authority	5
	B. Processes	5
	C. Cooperative Purchasing	6
	D. Leases of Equipment Without Option to Purchase	6
	E. Other Purchases	
	Federal Government	6
	Surplus Property from another government	6
IV.	Public Works Projects	7
	A. Approval Authority	8
	Change Orders	
	B. Procedures	8
	C. Competitive Bidding Exceptions	8
	D. Emergency Purchases	9
	E. Small Works Roster	9
V.	Architectural, Landscape Architectural, Engineering Services and Land Surveying	10
	A. Approval Authority	10
	B. Process	10
VI.	Professional Service Contracts	10
	A. Approval Authority	10
	B. Process	11
VII.	Code of Ethics	11
	Conflict of Interest	
	Solicitations and Donations	
	Gifts and Gratuities	
VIII.	Definitions	12
	EXHIBIT A. Formal, Competitive Sealed Bids for a Public Works Project	

I. POLICY STATEMENT

It is the policy of the City to use consistent procedures for all departments to procure goods and services for City operations. This consistency should facilitate the most efficient and cost-effective manner of procurement in compliance with applicable laws and regulations, and in accordance with best practices. All procurement of goods and services shall provide the City with the best quality for the best price. All purchases of supplies, materials, equipment and services are to be made within budgetary limitations and for the purpose of the goals and objectives approved in the City's budget. Purchases which cause a fund to exceed budgetary limits shall be pre-authorized by the City Council and formally approved through a budget amendment process. All payments for purchases made by the City shall be ultimately approved by the City Council through the voucher approval process.

The City Manager and Finance Director will oversee the procurement and contracting procedures of the City and may amend the procedures and attached Exhibits as needed. This responsibility includes developing, recommending, implementing, and monitoring policies and procedures that ensure the fiscal responsibility of the City in expending revenues as it relates to the procurement of goods and services for City operations.

Local Businesses: The City encourages participation by vendors with business locations within Kenmore and will try to contact an appropriate Kenmore vendor when seeking price quotations for the procurement of goods and services.

Compliance by City Employees: All employees must follow established policies and procedures for procurement of equipment, materials, supplies, and services (including purchased services, consultant services, and construction services).

Basis:

The procurement policies and procedures of the City shall be based on the Revised Code of Washington (RCW); adopted resolutions and ordinances of the City of Kenmore City Council, which may be more restrictive than the RCW; guidelines from the State Auditor's Office; and the Municipal Research and Services Center.

If grant funds are involved in the proposed procurement, applicable requirements should be obtained from the funding agency. Such requirements may be more restrictive than the City's policy.

II. REGULATIONS AND REFERENCE

The City of Kenmore is an optional Code City under Chapter 35A RCW, with a population exceeding 20,000. As a code city, Kenmore is governed by the following:

RCW 35A.40.200

General law relating to public works and contracts (attached)

Every code city shall have the authority to make public improvements and to perform public works under authority provided by general law for any class of city and to make contracts in accordance with procedure and subject to the conditions provided therefor, including but not limited to the provisions of: (1) Chapter 39.04 RCW, relating to public works; (2) RCW 35.23.352 relating to competitive bidding for public works, materials and supplies; (3) RCW 9.18.120 and 9.18.150 relating to suppression of competitive bidding; (4) chapter 60.28 RCW relating to liens for materials and labor performed; (5) chapter 39.08 RCW relating to contractor's bonds; (6) chapters 39.12 and 43.03 RCW relating to prevailing wages; (7) chapter 49.12 RCW relating to hours of labor; (8) chapter 51.12 RCW relating to workers' compensation; (9) chapter 49.60 RCW relating to antidiscrimination in employment; (10) chapter 39.24 RCW relating to the use of Washington commodities; and (11) chapter 39.28 RCW relating to emergency public works.

RCW 35A.40.210

Public work or improvement – Procedures – Purchases (attached)

Procedures for any public work or improvement for code cities shall be governed by RCW 35.23.352.

Purchases for code cities with twenty thousand population or more shall be governed by RCW 35.22.620. Purchases for code cities with under twenty thousand population shall be governed by RCW 35.23.352. (Note: Kenmore population is more than 20,000).

Attached for reference:

Chapter 39.04 RCW Public Works

RCW 39.04.155 Small works roster contract procedures – Limited public works process - Definition

RCW 39.04.280 Competitive bidding requirements-Exemptions

RCW 39.04.350 Bidder responsibility criteria – Supplemental criteria

RCW 35.22.620 Public works or improvements – Limitations on work by public employees – Small works roster – Purchase of reused or recycled materials or products

RCW 35.23.352 Public works –Contracts – Bids –Small works roster – Purchasing requirements, recycled or reused materials or products

III. PURCHASES OF SUPPLIES, MATERIALS AND EQUIPMENT NOT RELATED TO PUBLIC WORKS

A. Approval Authority:

Amount	Approval Authority	Payment Procedure Requirements
\$0 – less than \$50	Petty Cash Custodian	Petty Cash System Receipt or Invoice
\$50 – less than \$2,000	Budget Authority; and Department Director or Designee	Invoice
\$2,000 – less than \$10,000	Department Director	3 Quotes Purchase Order or Contract
\$10,000 – less than \$50,000	City Manager	3 Quotes Purchase Order or Contract
\$50,000 and more	City Manager Approves City Council Awards	Competitive Bid Contract

B. Processes:

NOTE: Purchases may not be broken into multiple projects or purchases to avoid compliance with state statutes and City Policies.

1. Purchases less than \$2,000

Purchases can be made for less than \$2,000 by Department Directors or their designee, within budgetary authority and a supporting invoice; a purchase order is not required.

2. Purchases between \$2,000 and less than \$10,000

Three quotations are required to assure that the City obtains quality goods at reasonable prices. A purchase order approved by the Department Director is required.

3. Purchases between \$10,000 and less than 50,000:

Three documented quotations are required. A purchase order approved by the City Manager is required.

4. Purchases \$50,000 and more:

A Competitive Bid Process resulting in a contract is required. The City Manager may execute the contract after the City Council has awarded the bid and approved the purchase.

C. Cooperative Purchasing (Piggybacking) under RCW 39.34

The City may join in cooperative purchasing arrangements with other public agencies for supplies, materials and equipment by entering into written Intergovernmental Cooperative Purchasing Agreements (also known as interlocal agreements). The City Council must approve all Intergovernmental Cooperative Purchasing Agreements. Several agreements have been approved by the Kenmore City Council and include: KCDA, City of Tacoma (supplies), US Communities, Thurston County.

When state contracts are used through the Washington State Office of State Procurement (OSP), no further bidding requirements are needed.

Public agencies which have filed an Intergovernmental Cooperative Purchasing Agreement with each other may make purchases from each other's procurements and contract if the Vendor has agreed to such participation. A separate contract or purchase order between the City of Kenmore and the vendor is necessary. When purchasing under another agency's contract, the City of Kenmore is responsible for compliance with statutes (including bid limits) governing purchases by or on behalf of itself except to the extent identified by RCW 39.34.030.

Before making a purchase under such an agreement, the City must ensure that:

- 1) The other agency advertised in accordance with its own statutory procurement requirements and policies;
- 2) The other agency posted the bid or solicitation notice on a web site established and maintained by a public agency, purchasing cooperative, or similar service provider, for purposes of posting public notice of bid or proposal solicitations, or provided an access link on the state's web portal to the notice (RCW 39.34.030 (5) (b)); and
- 3) The request for bids allows for the contract to be used by more than one local government.

D. Leases of Equipment without Option to Purchase

Leases without an option to purchase are not subject to bid limits and do not need to be competitively bid. Department heads may negotiate lease agreements for materials, supplies, and equipment when an outright purchase is not the preferred alternative. All leases shall adhere to the approval authority schedule (dollar amounts equal total lease payments.)

E. Other Purchases

- Federal Government – RCW 39.32.070-.090 authorizes cities to purchase equipment, supplies and materials from the federal government. There is no requirement for advertising or inviting bids. However, an ordinance or resolution must be passed before purchase is made.
- Surplus Property from another government – The City may purchase surplus property from another government without regard to bid laws (RCW 39.33.010.)

IV. PUBLIC WORKS PROJECTS (RCW 35A.40.210, RCW 35.23.352)

RCW 39.04.010 defines the term “public works” as all work, construction, alteration, repair or improvement, other than ordinary maintenance, executed at the cost of the City. Ordinary maintenance is work performed by employees of the City. Maintenance when performed by contract should be considered public works for purposes of prevailing wages and bid laws.

See WAC 296-127-010 (7)(a) for further definition of public works (attached).

To determine if a public works project must be competitively bid based on bid limit dollar amounts, the total cost of each project or purchase must be estimated. Materials, supplies, equipment and labor on the construction of that project and applicable sale and use taxes are to be included.

The City may use employees to perform public work projects with estimated costs not exceeding \$40,000 for a single craft or trade or \$65,000 for multiple crafts or trades (RCW 35.23.352).

A project cannot be split into phases for the purpose of avoiding minimum dollar restrictions (RCW 35.22.620.)

RCWs 47.24.050 and RCW 35.77.020 govern construction or repairs of streets or bridges. These statutes authorize cities to contract with the county in which they reside for repair or construction of any or all the City’s streets, sidewalks, traffic control devices, drainage systems or bridges. No bidding requirements apply to such projects.

A. Approval Authority

Projects over \$300,000 must be competitively bid per RCW 39.04.155.

If the estimated project cost is \$300,000 or less, the City is authorized to use the small public works roster procedures set forth in RCW 39.04.155 (attached).

Amount	Approval Authority	Process
0 - \$2,000	Department Director or Designee	Quotes from SWR Purchase Order or Contract
\$2,000 -less than \$25,000	Department Director	Quotes from SWR Purchase Order or Contract
\$25,000 -less than \$50,000	City Manager	Quotes from SWR Contract
\$50,000 – \$300,000	City Council	Small Works Roster Bids or Advertisement for Bids Contract
More than \$300,000	City Council	Advertised Competitive Bid Contract

Change Orders:

Per City of Kenmore Resolution No. 09-173, The City Council authorizes the City Manager and the City Engineer to approve changes to work or contract for capital construction projects in the following amounts not to exceed in the aggregate the approved project budget.

City Manager: \$50,000

City Engineer: \$25,000

B. Procedures

Limited Public Works Process for Contracts Less than \$35,000

The City shall follow the procedures set forth in RCW 39.04.155(3), which provides among other things that electronic or written quotations from a minimum of three contractors on the appropriate Small Works Roster is required. In the alternative, the City may opt to bid the project under the Small Works Roster procedures or Advertise for Bids.

Projects \$35,000 to Less than \$150,000

The City may advertise for bids or follow the small works roster procedures set forth in RCW 39.04.155 by inviting telephonic, written or electronic quotations from all appropriate contractors on the Small Works Roster. In the alternative, the City may invite telephonic, written or electronic quotations from at least five (5) contractors who are on the appropriate Small Works Roster who have indicated the capability of performing the kind of work being contracted, in a manner that will equitably distribute the opportunity among the contractors on the appropriate roster. Equitably distribute means that the City may not favor certain contractors on the appropriate small works roster over other contractors on the appropriate small works roster who perform similar services.

Projects \$150,000 to \$300,000

The City may advertise for bids or follow the Small Works Roster procedures set forth in RCW 39.04.155 by inviting telephonic, written or electronic quotations from all appropriate contractors on the Small Works Roster. As an alternative, quotations may be invited from at least five contractors on the appropriate small works roster who have indicated the capability of performing the kind of work being contracted, in a manner that will equitably distribute the opportunity among the contractors on the appropriate roster. However, if the City chooses to solicit bids from less than all the appropriate contractors on the appropriate small works roster, the City shall notify the remaining contractors on the appropriate small works roster that quotations on the work are being sought. The City has the sole option of determining whether this notice to the remaining contractors is made by: 1) publishing notice in a legal newspaper in general circulation in the area where the work is to be done; 2) mailing a notice to these contractors; or 3) sending a notice to these contractors by facsimile or other electronic means.

Projects Over \$300,000

Formal, competitive sealed bids are required pursuant to RCW 35.22.620.

C. Competitive Bidding Exceptions

Competitive bidding requirements may be waived as authorized in RCW 39.04.280 for:

- (a) Purchases that are clearly and legitimately limited to a single source of supply;
- (b) Purchases involving special facilities or market conditions ;
- (c) Purchases in the event of an emergency (see below);
- (d) Purchases of insurance or bonds; and
- (e) Public works in the event of an emergency

In non-emergency situations, written documentation demonstrating the appropriateness of a competitive bidding **exception** purchase shall be submitted to the Finance Department in advance of the purchase. The Finance Director or the City Manager, (and the City Attorney, when needed) will determine whether a vendor or procurement can be defined as a sole source.

In emergency situations, the contract and the basis for the exception from competitive procurement shall be recorded and open to public inspection immediately after the award of the contract in accordance with RCW 39.04.280.

D. Emergency Contracts

If an emergency exists, as declared by the City Manager, or other person or persons designated by the City Council to act in the event of an emergency may:

- (a) waive competitive bidding requirements,
- (b) award all necessary contracts on behalf of the City to address the emergency situation. If a contract is awarded without competitive bidding due to an emergency, a written finding of the existence of an emergency must be made and entered into the public record for public inspection with the contract no later than two weeks following the award of the contract. The City Council shall approve such contracts within 30 days of the declaration of the emergency.
- (c) For purposes of this section "emergency" means unforeseen circumstances beyond the control of the municipality that either: (a) Present a real, immediate threat to the proper performance of essential functions; or (b) will likely result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken.
- (d) Before awarding a contract, verification must be provided that the contractor meets the responsibility criteria of RCW 39.04.350 attached.

E. Small Works Roster

The City of Kenmore or another city, through an interlocal agreement, shall maintain the Small Works Roster. The City's **small works roster is the eCityGov roster** as of November 30, 2007 accessed through the Shared Procurement Portal.

V. ARCHITECTURAL, LANDSCAPE ARCHITECTURAL, ENGINEERING SERVICES, & LAND SURVEYING

A. Approval Authority

Amount	Approval Authority	Process
Up to \$2,000	Department Director or Designee	Negotiated Contract from A&E List
\$2,000 – less than \$10,000	Department Director	Negotiated Contract from A&E List
\$10,000 – less than \$50,000	City Manager	Negotiated Contract from A&E List
\$50,000 or more	City Council	Request for Qualifications Negotiated Contract

B. Process

RCW 39.80 requires the City to utilize a Request for Qualification (RFQ) selection process for architectural and engineering (A&E) services and to negotiate a contract with the most highly qualified firm. Notification to consultants may be done through either an annual advertisement or a project specific advertisement.

Negotiated Contracts Less Than \$50,000

The City uses the A&E roster maintained by eCityGov, who will conduct the required annual advertisement inviting firms to submit a statement of qualifications and performance data. The City may also create a list advertised in accordance with RCW 39.80. If there are no consultants on the roster or the City's lists, then the City will prepare a Request For Qualifications advertisement for the specific project.

Negotiated Contracts for \$50,000 or more

The initiating department shall prepare a Request for Qualifications (RFQ) and publish it in the City's official newspaper, in advance of the department's requirements for professional services. An RFQ may also be used if there are no firms on the roster with sufficient and specialized experience. The RFQ and its publication are intended to reach those potentially interested consultants that can provide the services required within the established time frame. The city will strive to obtain at least three statements of qualifications for any project.

VI. OTHER PROFESSIONAL AND SERVICE CONTRACTS

A. Approval Authority

Amount	Approval Authority	Process
Up to \$2,000	Department Director or Designee	Purchase Order/Contract Roster
\$2,000 – less than \$15,000	Department Director	Purchase Order/Contract Roster
\$15,000 – less than \$50,000	City Manager	Request for Proposal or Negotiated Contract from Roster
Over \$50,000	City Council	Request for Proposal Negotiated Contract

B. Process

Contracts for other (non A&E) professional services such as specialized attorney services, computer programmers, actuarial consultants, planners, bond counsel, etc., may be procured through a purchase order or negotiated contract with a firm or individual on the ECityGov roster or by an advertised Request for Proposal (RFP). All contracts must be reviewed and approved by the City Attorney.

Negotiated Contracts Less Than \$50,000

The City may use the eCityGov roster to select firms or individuals. A purchase order or contract over \$15,000 must be approved by the City Manager.

Negotiated Contracts for \$50,000 or more

The initiating department shall prepare a Request for Proposal (RFP) and publish it in the City's official newspaper, in advance of the department's requirements for the services. An RFP may also be used if there are no firms on the roster with sufficient and specialized experience. The city will strive to obtain at least three proposals for any project. A contract of \$50,000 or more must be approved by the City Council.

VII. CODE OF ETHICS

See City of Kenmore Administrative Policy and Directives 1. Code of Ethics for additional discussion of the following areas:

CONFLICT OF INTEREST

No City employee shall engage in any act which is in conflict with or creates an appearance of conflict with, the performance of official duties. Any potential conflicts should be reported to the City Manager.

SOLICITATIONS OF DONATIONS

The City will not accept donations of materials or services in return for a commitment to continue or initiate a purchasing relationship.

GIFTS AND GRATUITIES

No City employee shall solicit, accept or seek anything of economic value as a gift, gratuity, or favor from any person, firm or corporation involved in a contract or transaction which is or may be the subject of official action of the City;

VIII. DEFINITIONS

A&E Professional Services - Those services within the scope of practice of architecture, engineering, landscape architecture, or land surveying.

Best Practice Purchasing - Whenever formal written quotes/bids or telephone quotes are not required, competitive relationships with vendors/suppliers/contractors will be shopped or negotiated to assure competitiveness and reasonableness in achieving low cost, good quality and service.

Budget Authority - Person(s) authorized to spend funds up to amounts as budgeted on behalf of the city.

Competitive Sealed Bid - Notice to bidders is advertised and sealed bids are required. Usually, the bid document is very detailed and specific.

Emergency - A situation which results from the occurrence of a disaster, such as, but not limited to flood, hurricane, riot, power outage, disease, or a situation which may lead to the impairment of the health, safety or welfare of the public, if not immediately attended to.

Lowest Responsible Bidder - Before award of a public works contract, a bidder must meet certain responsibility criteria. See **RCW 39.04.350** attached.

Procurement - Procurement is the purchase of materials, supplies, or equipment. It also includes obtaining services supported by a contract.

Proposal - The consultant's proposal describing key personnel, technical approach, experience and familiarity with the area, time schedules, work plan, cost, and other information relating to the specific service being sought.

Professional Services (other than A&E) - An occupation wherein the labor and skill involved is predominantly mental or intellectual rather than physical or manual. Professions included in this category are: Accountants, artists, attorneys, bond brokers, computer programmers/consultants, insurance brokers, economists, financial analysts, planners, real estate appraisers, and codification of municipal ordinances.

Public Works - Means all work, construction, alteration, repair, or improvement other than ordinary maintenance, executed at the cost of the state or of any municipality, or which is by law a lien or charge on any property therein. All public works, including maintenance when performed by contract shall comply with chapter 39.12 RCW Prevailing Wages on Public Works.

Request for Bid (RFB) - A process through which written or electronic bids are solicited from contractors on an agency's small public works roster for public works contracts in which price is the primary basis for consideration and contract award.

Request for Proposal (RFP) - A solicitation sent to known vendors or consultants, usually prepared by a department head or designee, which indicates in a general manner the work or type of service which the city desires to contract. RFPs generally solicit qualifications, approach, price, and ideas from experienced and knowledgeable vendors and consultants.

Request for Qualifications (RFQ) - A method of soliciting competitive proposals that considers and evaluates companies based on a basis of demonstrated competency and qualification rather than price. This process is typically used for A&E services where price is not a consideration. An RFQ will generally result in a negotiated contract.

Roster - Small Public Works - A process through which there is competition for public works contracts following notification, normally through a request for bids (RFB), to some or all public works contractors who have requested placement on a roster kept by the local government agency for projects \$300,000 or less.

ECityGov Shared Procurement Portal - A system of rosters established by the eCityGov Alliance as a means of soliciting and notifying businesses and contractors about opportunities to respond to bids and proposals. Authorized through an interlocal agreement, this is the City of Kenmore's official Small Public Works and A&E Roster.

Statement of Qualifications - A response to a Request for Qualifications wherein the prospective consultant provides information relating to the proposer's qualifications to perform the type(s) of work being sought, and may include brochures, resumes of key personnel, descriptions of work completed in other places, references, etc. Price may not be used as an evaluation criterion in requesting Statements of Qualifications in response to an RFQ for architectural, engineering, landscape architectural, and land surveying services.

Telephone Quote - Soliciting prices and other terms from vendors by phone wherein records of each contact are maintained.

Written Quotation - A written record of prices and other terms provided by prospective vendors in response to written solicitation sent to the prospective vendors by the City.

EXHIBIT A. Formal, Competitive Sealed Bids for a Public Works Project

An Advertisement or Request for Bid of a Public Works Project should include the following information:

- The title of the project.
- Brief description of the nature and scope of work including the materials and equipment to be furnished.
- The location where detailed plans, specifications, and contract documents are available for review or purchase
- The date, place, and time that the bids are due.
- Notice that bids received after the scheduled bid submittal deadline will not be considered.
- Notice of the requirement of a bid proposal deposit in the amount of 5% of the amount bid in the form of a cashier's check, certified check, money order, or surety bond in favor of the City of Kenmore, which must accompany the bid.
- Notice that the City reserves the right to reject any and all bids and to waive minor irregularities in the bidding process.
- Date, time and place of bid opening.
- The name and telephone number of City contact person.
- Notice that the successful bidder will be required to pay prevailing wages for the work to be performed.
- Statement that the City is an equal opportunity employer and invites responsive bids from all qualified responsive bidders.
- Notice that all bid documents are public record and subject to disclosure.

The Advertisement for Bid must be posted in City Hall or on the City Web Site and published in a newspaper of general circulation by the City Clerk once a week for two consecutive weeks with the last publication being at least 13 days prior to the last date upon which bids will be received.

Detailed Plans and Specifications

Detailed plans and specifications of public works project will be prepared at the direction of the requesting department director, along with an estimate of the cost of such work. The plans and specifications will be approved by the Director and a certified copy filed with the City Clerk. The plans and specifications will be posted on sites such as Builders Exchange.

Any changes or clarifications to the contract documents, specifications, or design drawings made after advertising and before the bid submittal deadline, should be issued to all document holders as numbered and dated addenda. A copy of the addenda must be filed with the City Clerk.

Bid Log

The City Clerk must prepare a log (this is a formal public record) containing the following information:

- a. The name, address and phone number of every contractor who received a copy of the Detailed Plans and Specifications for the project and the date and time specifications were provided.
- b. If communications with prospective bidders occur during the bid period, record the substance of the communication on the bid log.

Bid Opening

The City Clerk will be present at all bid openings to verify the date and time of bid submittals; open each bid proposal; announce the bids of each submitter; record the unit prices, sales tax, delivery charge if applicable, and total cost of each bid proposal. A tabulation of bid results will be prepared by the City Clerk and is available to the public immediately following the formal bid opening.

Bid Award

The requesting department will evaluate the bids for responsiveness, unbalanced bids, and whether the price is within the budget. The requesting department will also determine and document that the bidder submitting the lowest responsive bid meets the bidder responsibility criteria of RCW 39.04.350(1) and any supplemental bidder responsibility criteria established and included in the bidding documents, consistent with RCW 39.04.350(2). The requesting department shall then prepare a contract including review as to form by the City Attorney, and submit the documentation to the City Manager for approval and submission to the City Council.

All bid proposal deposits must be returned to the unsuccessful bidders; the 5% bid bond of the successful bidder will be retained until a contract is entered into and a payment and performance bond for the work is furnished, with surety satisfactory to the City Council. If the bidder fails to enter into the contract in accordance with his or her bid and fails to furnish a payment and performance bond within 20 days from the date of being notified of award, the 5% guaranty will be forfeited to the City of Kenmore.

Bid Protest

A party may protest bid solicitations. The City must receive a written protest at least three business days prior to the bid submittal deadline.

Per **RCW 39.04.105**: If the City receives a written protest from a bidder for a public works project which is the subject of competitive bids, the City shall not execute a contract for the project with anyone other than the protesting bidder without first providing at least two full business days' written notice of the City's intent to execute a contract for the project; provided that the protesting bidder submits notice in writing of its protest no later than two full business days following bid opening. Intermediate Saturdays, Sundays, and legal holidays are not counted.

Public Record

Immediately after opening of the bids, the original of every bid proposal and a copy of the bid log will be filed with the City Clerk for retention; the bids are a public record. A copy of the proposal of the successful bidder should remain with the initiating department until completion of the project.

Rejection of Bids

Based on the evaluation of bids, the initiating department may recommend that all bids be rejected. The City Council may also reject any or all bids when the public interest will be served. If bids are rejected, the initiating department will inform the bidders in writing. A rejection of bids may occur and is not limited to the following reasons:

1. The bids exceed the engineering estimate and or the amount the city has available for the project,
2. The bidder(s) does not meet the mandatory bidder responsibility criteria of RCW 39.04.350 (1) or any supplemental bidder responsibility criteria established in the bidding documents.

Any contact made by the bidder with a member of the City Council that regards the Request for Bid may be grounds for bid rejection.

RCW 35A.40.200

General law relating to public works and contracts.

Every code city shall have the authority to make public improvements and to perform public works under authority provided by general law for any class of city and to make contracts in accordance with procedure and subject to the conditions provided therefor, including but not limited to the provisions of: (1) Chapter 39.04 RCW, relating to public works; (2) RCW 35.23.352 relating to competitive bidding for public works, materials and supplies; (3) RCW 9.18.120 and 9.18.150 relating to suppression of competitive bidding; (4) chapter 60.28 RCW relating to liens for materials and labor performed; (5) chapter 39.08 RCW relating to contractor's bonds; (6) chapters 39.12 and 43.03 RCW relating to prevailing wages; (7) chapter 49.12 RCW relating to hours of labor; (8) chapter 51.12 RCW relating to workers' compensation; (9) chapter 49.60 RCW relating to antidiscrimination in employment; (10) chapter 39.24 RCW relating to the use of Washington commodities; and (11) chapter 39.28 RCW relating to emergency public works.

[1995 c 164 § 2; 1987 c 185 § 4; 1983 c 3 § 65; 1967 ex.s. c 119 § 35A.40.200.]

NOTES:

Intent -- Severability -- 1987 c 185: See notes following RCW 51.12.130.

RCW 35A.40.210

Public work or improvement -- Procedures -- Purchases.

Procedures for any public work or improvement for code cities shall be governed by RCW 35.23.352.

Purchases for code cities with twenty thousand population or more shall be governed by RCW 35.22.620. Purchases for code cities with under twenty thousand population shall be governed by RCW 35.23.352.

[2009 c 229 § 5; 1989 c 11 § 8; 1979 ex.s. c 89 § 3.]

NOTES:

Severability -- 1989 c 11: See note following RCW 9A.56.220.

**Chapter 39.04 RCW
PUBLIC WORKS**

RCW SECTIONS

- 39.04.010 Definitions.
- 39.04.015 Adjustment to bid price -- Conditions.
- 39.04.020 Plans and specifications -- Estimates -- Publication -- Emergencies.
- 39.04.040 Work to be executed according to plans -- Supplemental plans.
- 39.04.050 Contents of original estimates.
- 39.04.060 Supplemental estimates.
- 39.04.070 Account and record of cost.
- 39.04.080 Certified copy to be filed -- Engineers' certificate.
- 39.04.100 Records open to public inspection -- Certified copies.
- 39.04.105 Competitive bidding -- Written protests -- Notice of contract execution.
- 39.04.107 Competitive bidding -- Bidder claiming error.
- 39.04.110 Penalty for false entries.
- 39.04.120 Change orders due to environmental protection requirements -- Costs -- Dispute resolution.
- 39.04.130 Application of RCW 39.04.120.
- 39.04.133 State capital improvement or construction projects -- Product standards.
- 39.04.135 Demolition projects -- Recycling or reuse of materials.
- 39.04.155 Small works roster contract procedures -- Limited public works process -- Definition.
- 39.04.156 Small works roster manual -- Notification to local governments.
- 39.04.160 Contracts subject to requirements established under office of minority and women's business enterprises.
- 39.04.162 Awards of procurement contracts to veteran-owned businesses.
- 39.04.170 Application of chapter to performance-based contracts for energy equipment.
- 39.04.175 Application of chapter to certain agreements relating to water pollution control, solid waste handling facilities.
- 39.04.180 Trench excavations -- Safety systems required.
- 39.04.190 Purchase contract process -- Other than formal sealed bidding.
- 39.04.200 Small works roster or purchase contracts -- Listing of contracts awarded required.
- 39.04.210 Correctional facilities construction and repair -- Findings.
- 39.04.220 Correctional facilities construction and repair -- Use of general contractor/construction manager method for awarding contracts -- Demonstration projects.
- 39.04.230 Correctional facilities construction and repair -- Alternative contracting method to remain in force until contracts completed.
- 39.04.240 Public works contracts -- Awarding of attorneys' fees.
- 39.04.250 Payments received on account of work performed by subcontractor -- Disputed amounts -- Remedies.

<http://www.mrsc.org/mc/rcw/RCW%20%2039%20%20TITLE/RCW%20%2039%20.%20...> 10/4/2011

- 39.04.260 Private construction performed pursuant to contract for rental, lease, or purchase by state -- Must comply with prevailing wage law.
- 39.04.270 Electronic data processing and telecommunications systems -- Municipalities -- Acquisition method -- Competitive negotiation -- Findings, intent.
- 39.04.280 Competitive bidding requirements -- Exemptions.
- 39.04.290 Contracts for building engineering systems.
- 39.04.300 Apprenticeship training programs -- Purpose.
- 39.04.310 Apprenticeship training programs -- Definitions.
- 39.04.320 Apprenticeship training programs -- Public works contracts -- Adjustment of specific projects -- Report and collection of agency data -- Apprenticeship utilization advisory committee created.
- 39.04.330 Use of wood products -- Compliance with chapter 39.35D RCW.
- 39.04.340 Apprenticeship and training council outreach effort.
- 39.04.350 Bidder responsibility criteria -- Supplemental criteria.
- 39.04.360 Payment of undisputed claims.
- 39.04.370 Contract requirements -- Off-site prefabricated items -- Submission of information.
- 39.04.900 Rights may not be waived -- Construction -- 1992 c 223.
- 39.04.901 Application -- 1992 c 223.

NOTES:

Buildings, earthquake standards for construction: Chapter 70.86 RCW.

Counties, purchasing departments, competitive bids: RCW 36.32.235 through 36.32.270.

County road equipment and materials: RCW 36.82.100 through 36.82.120.

County roads and bridges -- Plans, approval, bids, etc.: Chapter 36.77 RCW.

Liens for labor, materials, taxes on public works: Chapter 60.28 RCW.

Municipalities -- Energy audits and efficiency: RCW 43.19.691.

Port district contracts: Chapter 53.08 RCW.

Public buildings, provision to be made for aged and individuals with disabilities: Chapter 70.92 RCW.

Second-class city or town, public contracts: RCW 35.23.352.

State highway construction and maintenance: Chapter 47.28 RCW.

Suppression of competitive bidding on public works, penalty: RCW 9.18.120 through 9.18.150.

Traffic control at work sites: RCW 47.36.200.

Workers' compensation law applicable to contracts for public works: RCW 51.12.050, 51.12.070.

<http://www.mrsc.org/mc/rcw/RCW%20%2039%20%20TITLE/RCW%20%2039%20.%20...> 10/4/2011

RCW 39.04.155

Small works roster contract procedures -- Limited public works process -- Definition.

(1) This section provides uniform small works roster provisions to award contracts for construction, building, renovation, remodeling, alteration, repair, or improvement of real property that may be used by state agencies and by any local government that is expressly authorized to use these provisions. These provisions may be used in lieu of other procedures to award contracts for such work with an estimated cost of three hundred thousand dollars or less. The small works roster process includes the limited public works process authorized under subsection (3) of this section and any local government authorized to award contracts using the small works roster process under this section may award contracts using the limited public works process under subsection (3) of this section.

(2)(a) A state agency or authorized local government may create a single general small works roster, or may create a small works roster for different specialties or categories of anticipated work. Where applicable, small works rosters may make distinctions between contractors based upon different geographic areas served by the contractor. The small works roster or rosters shall consist of all responsible contractors who have requested to be on the list, and where required by law are properly licensed or registered to perform such work in this state. A state agency or local government establishing a small works roster or rosters may require eligible contractors desiring to be placed on a roster or rosters to keep current records of any applicable licenses, certifications, registrations, bonding, insurance, or other appropriate matters on file with the state agency or local government as a condition of being placed on a roster or rosters. At least once a year, the state agency or local government shall publish in a newspaper of general circulation within the jurisdiction a notice of the existence of the roster or rosters and solicit the names of contractors for such roster or rosters. In addition, responsible contractors shall be added to an appropriate roster or rosters at any time they submit a written request and necessary records. Master contracts may be required to be signed that become effective when a specific award is made using a small works roster.

(b) A state agency establishing a small works roster or rosters shall adopt rules implementing this subsection. A local government establishing a small works roster or rosters shall adopt an ordinance or resolution implementing this subsection. Procedures included in rules adopted by the department of general administration in implementing this subsection must be included in any rules providing for a small works roster or rosters that is adopted by another state agency, if the authority for that state agency to engage in these activities has been delegated to it by the department of general administration under chapter 43.19 RCW. An interlocal contract or agreement between two or more state agencies or local governments establishing a small works roster or rosters to be used by the parties to the agreement or contract must clearly identify the lead entity that is responsible for implementing the provisions of this subsection.

(c) Procedures shall be established for securing telephone, written, or electronic quotations from contractors on the appropriate small works roster to assure that a competitive price is established and to award contracts to the lowest responsible bidder, as defined in RCW 39.04.010. Invitations for quotations shall include an estimate of the scope and nature of the work to be performed as well as materials and equipment to be furnished. However, detailed plans and specifications need not be included in the invitation. This subsection does not eliminate other requirements for architectural or engineering approvals as to quality and compliance with building codes. Quotations may be invited from all appropriate contractors on the appropriate small works roster. As an alternative, quotations may be invited from at least five contractors on the appropriate small works roster who have indicated the capability of performing the kind of work being contracted, in a manner that will equitably distribute the opportunity among the contractors on the appropriate roster. However, if the estimated cost of the work is from one hundred fifty thousand dollars to three hundred thousand dollars, a state agency or local

government that chooses to solicit bids from less than all the appropriate contractors on the appropriate small works roster must also notify the remaining contractors on the appropriate small works roster that quotations on the work are being sought. The government has the sole option of determining whether this notice to the remaining contractors is made by: (i) Publishing notice in a legal newspaper in general circulation in the area where the work is to be done; (ii) mailing a notice to these contractors; or (iii) sending a notice to these contractors by facsimile or other electronic means. For purposes of this subsection (2)(c), "equitably distribute" means that a state agency or local government soliciting bids may not favor certain contractors on the appropriate small works roster over other contractors on the appropriate small works roster who perform similar services.

(d) A contract awarded from a small works roster under this section need not be advertised.

(e) Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry.

(3) In lieu of awarding contracts under subsection (2) of this section, a state agency or authorized local government may award a contract for work, construction, alteration, repair, or improvement projects estimated to cost less than thirty-five thousand dollars using the limited public works process provided under this subsection. Public works projects awarded under this subsection are exempt from the other requirements of the small works roster process provided under subsection (2) of this section and are exempt from the requirement that contracts be awarded after advertisement as provided under RCW 39.04.010.

For limited public works projects, a state agency or authorized local government shall solicit electronic or written quotations from a minimum of three contractors from the appropriate small works roster and shall award the contract to the lowest responsible bidder as defined under RCW 39.04.010. After an award is made, the quotations shall be open to public inspection and available by electronic request. A state agency or authorized local government shall attempt to distribute opportunities for limited public works projects equitably among contractors willing to perform in the geographic area of the work. A state agency or authorized local government shall maintain a list of the contractors contacted and the contracts awarded during the previous twenty-four months under the limited public works process, including the name of the contractor, the contractor's registration number, the amount of the contract, a brief description of the type of work performed, and the date the contract was awarded. For limited public works projects, a state agency or authorized local government may waive the payment and performance bond requirements of chapter 39.08 RCW and the retainage requirements of chapter 60.28 RCW, thereby assuming the liability for the contractor's nonpayment of laborers, mechanics, subcontractors, materialpersons, suppliers, and taxes imposed under Title 82 RCW that may be due from the contractor for the limited public works project, however the state agency or authorized local government shall have the right of recovery against the contractor for any payments made on the contractor's behalf.

(4) The breaking of any project into units or accomplishing any projects by phases is prohibited if it is done for the purpose of avoiding the maximum dollar amount of a contract that may be let using the small works roster process or limited public works process.

(5)(a) A state agency or authorized local government may use the limited public works process of subsection (3) of this section to solicit and award small works roster contracts to small businesses that are registered contractors with gross revenues under one million dollars annually as reported on their federal tax return.

(b) A state agency or authorized local government may adopt additional procedures to encourage

<http://www.mrsc.org/mc/rcw/RCW%20%2039%20%20TITLE/RCW%20%2039%20.%20...> 7/12/2011

small businesses that are registered contractors with gross revenues under two hundred fifty thousand dollars annually as reported on their federal tax returns to submit quotations or bids on small works roster contracts.

(6) As used in this section, "state agency" means the department of general administration, the state parks and recreation commission, the department of natural resources, the department of fish and wildlife, the department of transportation, any institution of higher education as defined under RCW 28B.10.016, and any other state agency delegated authority by the department of general administration to engage in construction, building, renovation, remodeling, alteration, improvement, or repair activities.

[2009 c 74 § 1; 2008 c 130 § 17. Prior: 2007 c 218 § 87; 2007 c 210 § 1; 2007 c 133 § 4; 2001 c 284 § 1; 2000 c 138 § 101; 1998 c 278 § 12; 1993 c 198 § 1; 1991 c 363 § 109.]

NOTES:

Intent -- Finding -- 2007 c 218: See note following RCW 1.08.130.

Purpose -- 2000 c 138: "The purpose of this act is to establish a common small works roster procedure that state agencies and local governments may use to award contracts for construction, building, renovation, remodeling, alteration, repair, or improvement of real property." [2000 c 138 § 1.]

Part headings not law -- 2000 c 138: "Part headings used in this act are not any part of the law." [2000 c 138 § 302.]

Purpose -- Captions not law -- 1991 c 363: See notes following RCW 2.32.180.

Competitive bids -- Contract procedure: RCW 36.32.250.

RCW 39.04.280

Competitive bidding requirements -- Exemptions.

This section provides uniform exemptions to competitive bidding requirements utilized by municipalities when awarding contracts for public works and contracts for purchases. The statutes governing a specific type of municipality may also include other exemptions from competitive bidding requirements. The purpose of this section is to supplement and not to limit the current powers of any municipality to provide exemptions from competitive bidding requirements.

(1) Competitive bidding requirements may be waived by the governing body of the municipality for:

- (a) Purchases that are clearly and legitimately limited to a single source of supply;
- (b) Purchases involving special facilities or market conditions;
- (c) Purchases in the event of an emergency;
- (d) Purchases of insurance or bonds; and
- (e) Public works in the event of an emergency.

(2)(a) The waiver of competitive bidding requirements under subsection (1) of this section may be by resolution or by the terms of written policies adopted by the municipality, at the option of the governing body of the municipality. If the governing body elects to waive competitive bidding requirements by the terms of written policies adopted by the municipality, immediately after the award of any contract, the contract and the factual basis for the exception must be recorded and open to public inspection.

If a resolution is adopted by a governing body to waive competitive bidding requirements under (b) of this subsection, the resolution must recite the factual basis for the exception. This subsection (2)(a) does not apply in the event of an emergency.

(b) If an emergency exists, the person or persons designated by the governing body of the municipality to act in the event of an emergency may declare an emergency situation exists, waive competitive bidding requirements, and award all necessary contracts on behalf of the municipality to address the emergency situation. If a contract is awarded without competitive bidding due to an emergency, a written finding of the existence of an emergency must be made by the governing body or its designee and duly entered of record no later than two weeks following the award of the contract.

(3) For purposes of this section "emergency" means unforeseen circumstances beyond the control of the municipality that either: (a) Present a real, immediate threat to the proper performance of essential functions; or (b) will likely result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken.

[1998 c 278 § 1.]

RCW 39.04.350

Bidder responsibility criteria – Supplemental criteria.

(1) Before award of a public works contract, a bidder must meet the following responsibility criteria to be considered a responsible bidder and qualified to be awarded a public works project. The bidder must:

- (a) At the time of bid submittal, have a certificate of registration in compliance with chapter 18.27 RCW;
- (b) Have a current state unified business identifier number;
- (c) If applicable, have industrial insurance coverage for the bidder's employees working in Washington as required in Title 51 RCW; an employment security department number as required in Title 50 RCW; and a state excise tax registration number as required in Title 82 RCW;
- (d) Not be disqualified from bidding on any public works contract under RCW 39.06.010 or 39.12.065(3);
- (e) If bidding on a public works project subject to the apprenticeship utilization requirements in RCW 39.04.320, not have been found out of compliance by the Washington state apprenticeship and training council for working apprentices out of ratio, without appropriate supervision, or outside their approved work processes as outlined in their standards of apprenticeship under chapter 49.04 RCW for the one-year period immediately preceding the date of the bid solicitation; and
- (f) Until December 31, 2013, not have violated RCW 39.04.370 more than one time as determined by the department of labor and industries.

(2) In addition to the bidder responsibility criteria in subsection (1) of this section, the state or municipality may adopt relevant supplemental criteria for determining bidder responsibility applicable to a particular project which the bidder must meet.

(a) Supplemental criteria for determining bidder responsibility, including the basis for evaluation and the deadline for appealing a determination that a bidder is not responsible, must be provided in the invitation to bid or bidding documents.

(b) In a timely manner before the bid submittal deadline, a potential bidder may request that the state or municipality modify the supplemental criteria. The state or municipality must evaluate the information submitted by the potential bidder and respond before the bid submittal deadline. If the evaluation results in a change of the criteria, the state or municipality must issue an addendum to the bidding documents identifying the new criteria.

(c) If the bidder fails to supply information requested concerning responsibility within the time and manner specified in the bid documents, the state or municipality may base its determination of responsibility upon any available information related to the supplemental criteria or may find the bidder not responsible.

(d) If the state or municipality determines a bidder to be not responsible, the state or municipality must provide, in writing, the reasons for the determination. The bidder may appeal the determination within the time period specified in the bidding documents by presenting additional information to the state or municipality. The state or municipality must consider the additional information before issuing its final determination. If the final determination affirms that the bidder is not responsible, the state or municipality may not execute a contract with any other bidder until two business days after the bidder determined to be not responsible has received the final determination.

(3) The capital projects advisory review board created in RCW 39.10.220 shall develop suggested guidelines to assist the state and municipalities in developing supplemental bidder responsibility criteria. The guidelines must be posted on the board's web site.

[2010 c 276 § 2; 2009 c 197 § 2; 2007 c 133 § 2.]

NOTES:

<http://www.mrsc.org/mc/rcw/RCW%20%2039%20%20TITLE/RCW%20%2039%20.%20...> 10/4/2011

RCW 35.22.620

**Public works or improvements -- Limitations on work by public employees -- Small works roster -
- Purchase of reused or recycled materials or products.**

(1) As used in this section, the term "public works" means as defined in RCW 39.04.010.

(2) A first-class city may have public works performed by contract pursuant to public notice and call for competitive bids. As limited by subsection (3) of this section, a first-class city may have public works performed by city employees in any annual or biennial budget period equal to a dollar value not exceeding ten percent of the public works construction budget, including any amount in a supplemental public works construction budget, over the budget period. The amount of public works that a first-class city has a county perform for it under RCW 35.77.020 shall be included within this ten percent limitation.

If a first-class city has public works performed by public employees in any budget period that are in excess of this ten percent limitation, the amount in excess of the permitted amount shall be reduced from the otherwise permitted amount of public works that may be performed by public employees for that city in its next budget period. Twenty percent of the motor vehicle fuel tax distributions to that city shall be withheld if two years after the year in which the excess amount of work occurred, the city has failed to so reduce the amount of public works that it has performed by public employees. The amount so withheld shall be distributed to the city when it has demonstrated in its reports to the state auditor that the amount of public works it has performed by public employees has been so reduced.

Whenever a first-class city has had public works performed in any budget period up to the maximum permitted amount for that budget period, all remaining public works within that budget period shall be done by contract pursuant to public notice and call for competitive bids.

The state auditor shall report to the state treasurer any first-class city that exceeds this amount and the extent to which the city has or has not reduced the amount of public works it has performed by public employees in subsequent years.

(3) In addition to the percentage limitation provided in subsection (2) of this section, a first-class city shall not have public employees perform a public works project in excess of ninety thousand dollars if more than a single craft or trade is involved with the public works project, or a public works project in excess of forty-five thousand dollars if only a single craft or trade is involved with the public works project or the public works project is street signalization or street lighting. A public works project means a complete project. The restrictions in this subsection do not permit the 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.

(4) In addition to the accounting and record-keeping requirements contained in RCW 39.04.070, every first-class city annually shall prepare a report for the state auditor indicating the total public works construction budget and supplemental public works construction budget for that year, the total construction costs of public works performed by public employees for that year, and the amount of public works that is performed by public employees above or below ten percent of the total construction budget. However, if a city budgets on a biennial basis, this annual report shall indicate the amount of public works that is performed by public employees within the current biennial period that is above or below ten percent of the total biennial construction budget.

Each first-class city with a population of one hundred fifty thousand or less shall use the form required by RCW 43.09.205 to account and record costs of public works in excess of five thousand

<http://www.mrsc.org/mc/rcw/RCW%20%2035%20%20TITLE/RCW%20%2035%20.%20...> 10/4/2011

dollars that are not let by contract.

(5) The cost of a separate public works project shall be the costs of materials, supplies, equipment, and labor on the construction of that project. The value of the public works budget shall be the value of all the separate public works projects within the budget.

(6) The competitive bidding requirements of this section may be waived by the city legislative authority pursuant to RCW 39.04.280 if an exemption contained within that section applies to the work or contract.

(7) In lieu of the procedures of subsections (2) and (6) of this section, a first-class city may let contracts using the small works roster process in RCW 39.04.155.

Whenever possible, the city shall invite at least one proposal from a minority or woman contractor who shall otherwise qualify under this section.

(8) The allocation of public works projects to be performed by city employees shall not be subject to a collective bargaining agreement.

(9) This section does not apply to performance-based contracts, as defined in RCW 39.35A.020(4), that are negotiated under chapter 39.35A RCW.

(10) Nothing in this section shall prohibit any first-class city from allowing for preferential purchase of products made from recycled materials or products that may be recycled or reused.

[2009 c 229 § 3; 2002 c 94 § 1; 2000 c 138 § 203; 1998 c 278 § 2; 1993 c 198 § 9; 1989 c 431 § 59; 1987 c 120 § 1. Prior: 1985 c 219 § 1; 1985 c 169 § 6; 1979 ex.s. c 89 § 1; 1975 1st ex.s. c 56 § 1.]

NOTES:

Purpose -- Part headings not law -- 2000 c 138: See notes following RCW 39.04.155.

Severability -- 1989 c 431: See RCW 70.95.901.

Competitive bidding violations by municipal officer, penalties: RCW 39.30.020.

Subcontractors to be identified by bidder, when: RCW 39.30.060.

RCW 35.23.352

Public works -- Contracts -- Bids -- Small works roster -- Purchasing requirements, recycled or reused materials or products.

(1) Any second-class city or any town may construct any public works, as defined in RCW 39.04.010, by contract or day labor without calling for bids therefor whenever the estimated cost of the work or improvement, including cost of materials, supplies and equipment will not exceed the sum of sixty-five thousand dollars if more than one craft or trade is involved with the public works, or forty thousand dollars if a single craft or trade is involved with the public works or the public works project is street signalization or street lighting. A public works project means a complete project. The restrictions in this subsection do not permit the 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.

Whenever the cost of the public work or improvement, including materials, supplies and equipment, will exceed these figures, the same shall be done by contract. All such contracts shall be let at public bidding upon publication of notice calling for sealed bids upon the work. The notice shall be published in the official newspaper, or a newspaper of general circulation most likely to bring responsive bids, at least thirteen days prior to the last date upon which bids will be received. The notice shall generally state the nature of the work to be done that plans and specifications therefor shall then be on file in the city or town hall for public inspections, and require that bids be sealed and filed with the council or commission within the time specified therein. Each bid shall be accompanied by a bid proposal deposit in the form of a cashier's check, postal money order, or surety bond to the council or commission for a sum of not less than five percent of the amount of the bid, and no bid shall be considered unless accompanied by such bid proposal deposit. The council or commission of the city or town shall let the contract to the lowest responsible bidder or shall have power by resolution to reject any or all bids and to make further calls for bids in the same manner as the original call.

When the contract is let then all bid proposal deposits shall be returned to the bidders except that of the successful bidder which shall be retained until a contract is entered into and a bond to perform the work furnished, with surety satisfactory to the council or commission, in accordance with RCW 39.08.030. If the bidder fails to enter into the contract in accordance with his or her bid and furnish a bond within ten days from the date at which he or she is notified that he or she is the successful bidder, the check or postal money order and the amount thereof shall be forfeited to the council or commission or the council or commission shall recover the amount of the surety bond. A low bidder who claims error and fails to enter into a contract is prohibited from bidding on the same project if a second or subsequent call for bids is made for the project.

If no bid is received on the first call the council or commission may readvertise and make a second call, or may enter into a contract without any further call or may purchase the supplies, material or equipment and perform the work or improvement by day labor.

(2) The allocation of public works projects to be performed by city or town employees shall not be subject to a collective bargaining agreement.

(3) In lieu of the procedures of subsection (1) of this section, a second-class city or a town may let contracts using the small works roster process provided in RCW 39.04.155.

Whenever possible, the city or town shall invite at least one proposal from a minority or woman contractor who shall otherwise qualify under this section.

(4) The form required by RCW 43.09.205 shall be to account and record costs of public works in

excess of five thousand dollars that are not let by contract.

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

(6) Any purchase of supplies, material, or equipment, except for public work or improvement, where the cost thereof exceeds seven thousand five hundred dollars shall be made upon call for bids.

(7) Bids shall be called annually and at a time and in the manner prescribed by ordinance for the publication in a newspaper of general circulation in the city or town of all notices or newspaper publications required by law. The contract shall be awarded to the lowest responsible bidder.

(8) For advertisement and formal sealed bidding to be dispensed with as to purchases with an estimated value of fifteen thousand dollars or less, the council or commission must authorize by resolution, use of the uniform procedure provided in RCW 39.04.190.

(9) The city or town legislative authority may waive the competitive bidding requirements of this section pursuant to RCW 39.04.280 if an exemption contained within that section applies to the purchase or public work.

(10) This section does not apply to performance-based contracts, as defined in RCW 39.35A.020(4), that are negotiated under chapter 39.35A RCW.

(11) Nothing in this section shall prohibit any second class city or any town from allowing for preferential purchase of products made from recycled materials or products that may be recycled or reused.

[2009 c 229 § 4; 2002 c 94 § 2; 2000 c 138 § 204; 1998 c 278 § 3; 1996 c 18 § 2. Prior: 1994 c 273 § 9; 1994 c 81 § 18; 1993 c 198 § 10; 1989 c 431 § 56; 1988 c 168 § 3; 1987 c 120 § 2; prior: 1985 c 469 § 24; 1985 c 219 § 2; 1985 c 169 § 7; 1979 ex.s. c 89 § 2; 1977 ex.s. c 41 § 1; 1974 ex.s. c 74 § 2; 1965 c 114 § 1; 1965 c 7 § 35.23.352; prior: 1957 c 121 § 1; 1951 c 211 § 1; prior: (i) 1907 c 241 § 52; RRS § 9055. (ii) 1915 c 184 § 31; RRS § 9145. (iii) 1947 c 151 § 1; 1890 p 209 § 166; Rem. Supp. 1947 § 9185.]

NOTES:

Purpose -- Part headings not law -- 2000 c 138: See notes following RCW 39.04.155.

Severability -- 1989 c 431: See RCW 70.95.901.

Competitive bidding violations by municipal officer, penalties: RCW 39.30.020.

Subcontractors to be identified by bidder, when: RCW 39.30.060.

WAC 296-127-010 Definitions for chapter 296-127 WAC. (1) "Department" means the department of labor and industries.

(2) "Director" means the director of the department or his or her duly authorized deputy or representative.

(3) "Industrial statistician" means the industrial statistician of the department's employment standards, apprenticeship, and crime victims (ESAC) division.

(4) "Assistant director" means the assistant director of the employment standards, apprenticeship, and crime victims (ESAC) division or his or her duly authorized deputy or representative.

(5) "Contractor" means:

(a) The prime contractor, and each and every subcontractor, required to be registered under chapter 18.27 RCW and/or licensed under chapter 19.28 RCW, that performs any work on a public works project site, and/or is required to pay industrial insurance premiums as a construction company.

(b) Employers engaged in shipbuilding and ship repair, building service maintenance, and any fabricator or manufacturer that produces nonstandard items specifically for a public works project.

(c) Employers that contract with contractors or subcontractors for the purpose of the production and/or delivery of materials pursuant to the terms of WAC 296-127-018.

(6) The term municipality shall include every city, county, town, district, political subdivision, or other public agency thereof which is authorized by law to require the execution of public work, except drainage districts, diking districts, drainage improvement districts, drainage improvement districts, diking improvement districts, consolidated diking and drainage improvement districts, consolidated drainage improvement districts, consolidated diking improvement districts, irrigation districts, or any such other districts as shall from time to time be authorized by law for the reclamation or development of waste or undeveloped lands.

(7)(a) The term "public work" shall include:

(i) All work, construction, alteration, enlargement, improvement, repair, and/or demolition that is executed by contract, purchase order, or any other legal agreement and that is executed at the cost of the state of Washington or of any municipality. The source of the funding shall not determine the applicability of the statute, and may include, but is not limited to, such sources as those payments made through contracts with insurance companies on behalf of the insured state or municipality;

(ii) All work, construction, alteration, enlargement, improvement, repair, and/or demolition which, by law, constitutes a lien or charge on any property of the state or of a municipality;

(iii) All work, construction, alteration, repair, or improvement, other than ordinary maintenance that the state or a municipality causes to be performed by a private party through a contract to rent, lease, or purchase at least fifty percent of the project by one or more state agencies or municipalities, pursuant to RCW 39.04.260;

(iv) Maintenance, except ordinary maintenance as defined by (b)(iii) of this subsection, when performed by contract. Maintenance is defined as keeping existing facilities in good usable, operational condition;

<http://www.mrsc.org/mc/wac/WAC%20296%20%20TITLE/WAC%20296%20-127%20%...> 10/5/2011

(v) Janitorial and building service maintenance as defined by WAC 296-127-023, when performed by contract, on public buildings and/or assets; and

(vi) The fabrication and/or manufacture of nonstandard items produced by contract specifically for a public works project as defined by (a)(i) through (v) of this subsection.

(b) The term "public work" shall not include:

(i) Work, construction, alteration, enlargement, improvement, repair, demolition, and/or maintenance for which no wage or salary compensation is paid, consistent with the requirements of RCW 35.21.278;

(ii) The construction, alteration, repair, or improvement of any municipal street railway system;

(iii) Ordinary maintenance which is defined as work not performed by contract and that is performed on a regularly scheduled basis (e.g., daily, weekly, monthly, seasonally, semiannually, but not less frequently than once per year), to service, check, or replace items that are not broken; or work not performed by contract that is not regularly scheduled but is required to maintain the asset so that repair does not become necessary.

(8) "Contract" means a contract, purchase order, or any other legal agreement in writing for public work to be performed for a fixed or determinable amount, which is duly awarded after advertisement and competitive bid. A contract that is awarded from a small works roster, or under the emergency provisions of state law, need not be advertised.

(9) "Residential construction" means construction, alteration, repair, improvement, or maintenance of single family dwellings, duplexes, apartments, condominiums, and other residential structures not to exceed four stories in height, including basement, when used solely as permanent residences. It does not include the utilities construction (water and sewer lines), or work on streets, or work on other structures (e.g., for recreation and business.)

[Statutory Authority: RCW 39.12.070. 94-01-100, § 296-127-010, filed 12/16/93, effective 1/16/94. Statutory Authority: Chapters 39.04 and 39.12 RCW and RCW 43.22.270. 92-01-104, § 296-127-010, filed 12/18/91, effective 1/31/92; 88-22-046 (Order 88-22), § 296-127-010, filed 10/31/88. Statutory Authority: RCW 39.12.050, 39.12.065, 43.22.270 and 51.04.020. 86-03-063 (Order 85-28), § 296-127-010, filed 1/17/86. Statutory Authority: RCW 39.12.015, 39.12.060 and HB 795, 1982 1st ex.s. c 38. 82-18-041 (Order 82-28), § 296-127-010, filed 8/27/82.]

<http://www.mrsc.org/mc/wac/WAC%20296%20%20TITLE/WAC%20296%20-127%20%...> 10/5/2011

CITY OF KENMORE

WASHINGTON

RESOLUTION NO. 06-114

**A RESOLUTION OF THE CITY OF KENMORE, WASHINGTON,
AMENDING THE BID PROTEST AND APPEAL PROCEDURE OF
THE CITY'S PURCHASING POLICY.**

WHEREAS, the City of Kenmore has adopted a purchasing policy to ensure efficient and cost-effective procurement of goods and services; and

WHEREAS, the City desires to amend the purchasing policy to conform to a recent amendment to RCW 39.04.105;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, DOES RESOLVE that the "**Bid Protest and Appeal**" provision of Section II B of the City of Kenmore Purchasing Parameters and Policies is amended to read as follows:

Bid Protest

A party may protest bid solicitations. The City must receive a written protest at least three business days prior to the bid submittal deadline.

After a bid opening, those desiring to protest the opening, evaluation, or response of another bidder must deliver a written protest to the individual in charge of the bid for the City within two business days of the bid opening. Only parties that submitted a bid are eligible to protest the bid opening process. If the City receives a timely written protest from a bidder, the City shall send to the protesting bidder at least two full business days' written notice of the City's intent to execute a contract with another bidder. After expiration of the time period, the City may execute the contract. For purposes of this paragraph, intermediate Saturdays, Sundays, and legal holidays shall not be counted.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, AT A REGULAR MEETING THEREOF THIS 27th DAY OF FEBRUARY, 2006.

CITY OF KENMORE

Mayor Randy Eastwood

ATTEST/AUTHENTICATED:

Approved as to form:

Lynn Batchelor, City Clerk

Rod Kaseguma, City Attorney

**CITY OF KENMORE
WASHINGTON**

RESOLUTION NO. 01-047

**A RESOLUTION OF THE CITY OF KENMORE,
WASHINGTON, ADOPTING A PURCHASING POLICY
FOR THE CITY**

WHEREAS, the City Council wishes to establish a City purchasing policy to ensure efficient and cost-effective procurement of goods and services; and

WHEREAS, the City has developed such a policy based on state law, the City of Kenmore's resolutions and ordinances, and the requirements of the State Auditor's Office;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. Purchasing Parameters and Policies. The City Council hereby adopts the City of Kenmore Purchasing Parameters and Policies attached hereto as Exhibit "A" and incorporated herein by reference.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 9th DAY OF JULY, 2001.

CITY OF KENMORE

Richard L. Taylor, Mayor

ATTEST/AUTHENTICATED:

Lynn Batchelor, City Clerk

Approved as to form:

Michael R. Kenyon, City Attorney

Filed with the City Clerk: July 6, 2001

Passed by the City Council: July 9, 2001

EXHIBIT A

CITY OF KENMORE

PURCHASING PARAMETERS

AND

POLICIES

JULY, 2001

TABLE OF CONTENTS

CHAPTER	TITLE	PAGE #
I.	Policy Statement	3
II.	Purchases of Supplies, Materials or Equipment	4
	A. Approval Authority	4
	B. Processes	4
	C. Sole Source Purchases	6
	D. Emergency Purchases	6
	E. Cooperative Purchasing	7
	F. Leases	7
	G. Other Purchases	7
	Federal Government	7
	Surplus Property from another government	7
III.	Public Works Contracts	8
	A. Approval Authority	8
	B. Procedures	8
IV.	Architectural & Engineering Services Contracts	11
	A. Approval Authority	11
	B. Process	11
V.	Professional Service Contracts	12
	A. Approval Authority	12
	B. Process	13
	C. Cooperative Agreements	13
VI.	Conflicts of Interest	13
VII.	Solicitations of Donations	13
VIII.	Gifts and Gratuities	13
IX.	Definitions	13
Attachments:		
	Quote Sheet	1
	Procurement Parameter Matrix	2

I. POLICY STATEMENT

It is the policy of the City to use consistent procedures for all departments to procure goods and services for City operations. This consistency should facilitate the most efficient and cost-effective manner of procurement. All procurement of goods and services shall provide the City with the best quality for the best value. All purchases are to be made within budgetary limitations and for the purpose of the goals and objectives approved in the City's budget. Any purchase made that is not within budgetary limits shall be pre-approved through a budget amendment process. All purchases made by the City shall be ultimately approved by the City Council through the voucher approval process.

The Finance Director shall oversee the procurement procedures of the City. This responsibility includes monitoring procedures that ensure the fiscal responsibility of the City in expending revenues as it relates to the procurement of goods and services for City operations. The procurement procedures of the City shall be based on guidelines provided by the Revised Code of Washington, adopted resolutions and ordinance of the City of Kenmore City Council, the State Auditor's Office, and the Municipal Research Services Center.

In lieu of competitive bidding for the procurement of City goods, the City will obtain telephone or written price quotations. The City encourages the use of vendors with business locations within Kenmore and will try to contact an appropriate Kenmore vendor when seeking price quotations for the procurement of goods.

The City Manager or designee is authorized to develop and maintain an administrative procedure to implement this policy.

I. PURCHASES OF SUPPLIES, MATERIALS AND EQUIPMENT

A. Approval Authority:

Amount	Approval Authority	Procedure Requirements
\$0 - \$50	Budget Authority	Petty Cash system Invoice
\$51 - \$2,000	Department Manager	Invoice
\$2,001 - \$7,500	Department Director	Tele/Written quotes Invoice
\$7,501 - \$25,000	City Manager	Competitive Bid Invoice
\$25,001 and Over	City Council	Competitive Bid Invoice

B. Processes

1. Purchases under \$2,000

Purchases can be made up to \$2,000 with proper approval and a supporting invoice.

2. Purchases between \$2,001 and \$7,500

For purchases of at least \$2,001, three telephone or written quotations are required. Competitive bids or telephone quotes are not legally required for purchases of \$7,500 or less, however, best practice purchasing will be used to assure that the City obtains quality goods or services at reasonable prices. Spreading purchases out over several months or making separate single purchases, when the total of the purchases is greater than \$7,500, circumvents the policies set forth below and is not authorized.

3. Purchases of \$7,501 and above:

Formal, competitive sealed bids are required pursuant to RCW 35.23.352.

4. Competitive Bid

a) Advertisement of Request for Bid

The department initiating a purchase shall prepare an Advertisement for Bid containing:

1. Items(s) or services to be purchased.
2. Delivery time requirements including Point of Delivery.
3. Bid bond requirements, if applicable.
4. Terms of payment, if appropriate.
5. Date and time of bid opening.
6. The location where detailed specifications are available for public inspection and the cost to obtain a set of plans and specifications.
7. Name and telephone number of City contact person.
8. Notice that the City reserves the right to reject any and all bids.
9. Notice that bids received after the scheduled bid opening will not be considered.
10. Notice that all bid documents are a public record and subject to disclosure.

The Advertisement for Bid must be posted in City Hall and published in a newspaper of general circulation by the City Clerk once a week for two

consecutive weeks with the last publication being at least 13 days prior to the last date upon which bids will be received.

Also, the requesting department may publish the Advertisement for Bid in trade publications, the City's web page, or mailed to vendors from the City's Vendor List.

If changes or clarifications to the specifications are issued during the bid period, the initiating department must send a notice to all prospective bidders and a copy filed with the City Clerk.

All bids must be sealed and received by the stated date and time. Faxes will not be accepted (RCW 35.23.352.)

b) Bid Log

The City Clerk must prepare a log (this is a formal public record) containing the following information:

1. The name, address and phone number of every vendor who received a copy of the Advertisement for Bid and Detailed Specifications.
2. If communications with prospective bidders occur during the bid period, record the substance of the communication on the bid log.
3. The date and time any changes or clarifications to the specifications are sent to bidders.

c) Bid Opening

The City Clerk or designee shall be present at all bid openings to verify the date and time of bid opening; open each bid proposal; announce the bids of each submitter; record the unit prices, sales tax, delivery charge if applicable, and total cost of each bid proposal. A tabulation of bid results will be prepared by the City Clerk or designee and made available as soon as practicable to the public following the formal bid opening.

d) Bid Award

The requesting department will evaluate the bids, determine and document the lowest responsible bidder, prepare a contract, and submit the documentation to the City Manager for submission to the City Council. If a contract is required, the requesting department should secure the City Attorney's approval as to form. Contract documents are signed by the City Manager after Council approval.

The City Clerk will retain bid evaluation documentation.

After the contract is issued, the unsuccessful vendors should be notified.

e) Public Record

Immediately after opening of the bids, the original copy of every bid proposal and a copy of the bid log should be filed with the City Clerk for retention; the bids are a public record. A copy of the proposal of the successful bidder should remain with the initiating department until completion of the purchase and or service.

f) Rejection of Bids

Based on the evaluation of bids, the initiating department may recommend that all bids be rejected. The City Manager may also reject any or all bids when the public interest will be served. If bids are rejected, the initiating department will inform the bidders in writing.

Any contact made by the bidder with a member of the City Council is grounds for bid rejection.

C. Sole Source Purchases

Sole source procurement is not permissible unless the goods are available only from a single supplier able to meet the City's requirements. A requirement for a particular proprietary item does not justify a sole source procurement if there is more than one potential bidder or offer for that item. If there is a way to draft specs where more than one respondent will reply, it is not a sole source situation. If, however,

1. the City department has conducted a screening process whereby it can justify purchase of a specific product, and
2. it can draft legitimate specifications, to which only one vendor can successfully respond, and
3. the product is available only through one manufacturer and
4. the vendor certifies that the City is being offered the same price it offers any customer, it is probably a sole source purchase.

Any request by a Department that procurement be restricted to one potential contractor must be submitted to the Finance Director prior to making a purchase. This explanation should justify why no other supplier will be suitable or acceptable in meeting the need. To ensure audit compliance, the Finance Director will make the determination as to whether procurement will be made as a sole source. In case of dispute, the City Manager or designee will make the final determination.

If a sole source is authorized, the Finance Director, in conjunction with the initiating department, will negotiate the contract price and terms.

D. Emergency Purchases

Compliance to the provisions of these purchasing policies and procedures may be waived for certain public works projects or purchases in the event of an emergency in order to provide the ability to respond and so as not to compromise the health, safety, or welfare of the people.

Within 48 hours of the initiating of the emergency contract or purchase, and declaration of the emergency by the City Manager or budget authority, an invoice will

City of Kenmore Purchasing Parameters and Policies

be prepared indicating the emergency for which issued. The City Manager may require additional justification, documentation or other materials.

Within seven days after the commencement of an emergency public works project, the City must record and publish the description and cost estimate of the project. Within two weeks of the finding that such an emergency existed, the City Council must adopt a resolution certifying the existence of the emergency situation.

E. Cooperative Purchasing

Department heads may recommend joining in cooperative purchasing arrangements with other public agencies (RCW 39.34.030.) When state contracts are used through the Office of State Procurement (OSP), no further bidding requirements are needed.

When utilizing an interlocal agreement, the City must file the agreement with the King County Auditor's Office (RCW 39.34.040.)

Existing contracts of other local, state, or federal agencies may be used to secure materials, supplies or equipment.

F. Leases

Department heads may negotiate lease agreements for materials, supplies, and equipment when an outright purchase is not the preferred alternative. All leases shall adhere to the approval authority schedule (dollar amounts equal total lease payments.)

G. Other Purchases

- Federal Government – RCW 39.32.070-.090 authorizes cities to purchase equipment, supplies and materials from the federal government. There is no requirement for advertising or inviting bids. However, an ordinance or resolution must be passed before purchase is made.
- Surplus Property from another government – The City may purchase surplus property from another government without regard to bid laws (RCW 39.33.010.)

II. PUBLIC WORKS PROJECTS

RCW 39.04.010 defines the term “public work” as follows: construction, alteration, repair or improvement other than ordinary maintenance. Based on this definition, street overlay projects are considered maintenance and not construction projects.

RCW’s 47.24.050 and 35.77.020 govern construction or repairs of streets or bridges. These statutes authorize cities to contract with the county in which they reside for repair or construction of any or all the City’s streets, sidewalks, traffic control devices, drainage systems or bridges. No bidding requirements apply to such projects.

Project costs include materials, supplies, labor and equipment (sales tax and freight) related to construction or repair. A project cannot be split into phases for the purpose of avoiding minimum dollar restrictions (RCW 35.22.620.)

A. Approval Authority

Amount	Approval Authority	Process
0 - \$2,000	Department Manager	Tele/written quotes Contract
\$2,001 – \$7,500	Department Director	Tele/written quotes Contract
\$7,501 - \$20,000 (one trade)	City Manager	Tele/written quotes Contract
\$20,001 - \$200,000 (one trade)	City Council	Small Works Roster or Competitive Bid
\$7,501 - \$30,000 (multiple trades)	City Manager	Tele/written quotes Contract
\$30,001 - \$200,000 (multiple trades)	City Council	Small Works Roster or Competitive Bid
Over \$200,000	City Council	Competitive Bid Contract

B. Procedures

Single-Trade Projects up to \$20,000 and Multiple-Trade Projects up to \$30,000

Projects that will not exceed \$20,000 and a single craft or trade is involved and projects that will not exceed \$30,000 and more than one craft or trade is involved require at least three vendor quotes.

Contracts issued are to be reviewed for form by the City Attorney.

Single-Trade Projects above \$20,000 and Multiple-Trade Projects above \$30,000 up to \$200,000

Telephone or written quotations will be obtained from at least five (5) vendors who have requested to be listed on the City’s Small Works Roster. Once a bidder has been offered an opportunity to bid on a project, that bidder is not offered another opportunity to bid until all other appropriate contractors from the roster have had an opportunity to bid on a project.

The City of Kenmore or another city, through interlocal agreement shall maintain the roster.

A contract will be awarded to the lowest responsible bidder.

In the event sufficient qualified vendors are not on the City's Small Works Roster, formal, competitive sealed bids are required (as outlined in the following section).

Projects Over \$200,000

Formal, competitive sealed bids are required pursuant to RCW 35.23.352.

Competitive Bid

Advertisement for Bid of Public Works Project

The Support Services Department shall assist the requesting department to prepare an Advertisement for Bid of Public Works Project containing the following information:

- a. Brief description of the Public Works Project being bid.
- b. Notice of the requirement of a bid proposal deposit in the amount of 5% of the amount bid in the form of a cashier's check, postal money order, or surety bond in favor of the City of Kenmore.
- c. Terms of payment, if appropriate.
- d. Date and time of bid opening.
- e. The location where detailed plans, specifications, and contract documents are available for public inspection and the cost to obtain a set of plans and specifications.
- f. The name and telephone number of City contact person.
- g. Notice that the City reserves the right to reject any and all bids.
- h. Notice that bids received after the scheduled bid opening will not be considered.
- i. Notice that all bid documents are public record and subject to disclosure.

The Advertisement for Bid must be posted in City Hall and published in a newspaper of general circulation by the City Clerk once a week for two consecutive weeks with the last publication being at least 13 days prior to the last date upon which bids will be received.

Detailed Plans and Specifications

Detailed plans and specifications of public works project will be prepared at the direction of the requesting department director, along with an estimate of the cost of such work. The specifications will be approved by the Director and a certified copy filed with the City Clerk. Copies will be provided to prospective bidders upon payment of a sum equal to the cost of having said documents prepared.

Any changes or clarifications to the contract documents, specifications, or design drawings made after advertising and before the bid submittal and bid opening, should be issued to all document holders as numbered and dated addenda. A copy of the change order or clarification must be filed with the City Clerk.

Bid Log

The City Clerk must prepare a log (this is a formal public record) containing the following information:

- a. The name, address and phone number of every contractor who received a copy of the Detailed Plans and Specifications for the project and the date and time specifications were provided.
- b. If communications with prospective bidders occur during the bid period, record the substance of the communication on the bid log.

Bid Opening

The City Clerk shall be present at all bid openings to verify the date and time of bid opening; open each bid proposal; announce the bids of each submitter; record the unit prices, sales tax, delivery charge if applicable, and total cost of each bid proposal. A tabulation of bid results will be prepared by the City Clerk and is available to the public immediately following the formal bid opening.

Bid Award

The requesting department will evaluate the bids, determine and document the lowest responsible bidder, prepare a contract including review as to form by the City Attorney, and submit the documentation to the City Manager for approval and submission to the City Council.

All bid proposal deposits must be returned to the unsuccessful bidders; the 5% bid bond of the successful bidder will be retained until a contract is entered into and a bond to perform the work is furnished, with surety satisfactory to the City Council. If the bidder fails to enter into the contract in accordance with his or her bid and furnishes a bond within ten days from the date of being notified of the successful bid, the 5% bid bond will be forfeited to the City of Kenmore.

Bid Protest and Appeal

A party may protest bid solicitations. The City must receive a written protest at least three business days prior to the bid submittal deadline.

After a bid opening, those desiring to protest the opening, evaluation, or response of another bidder must deliver a written protest to the individual in charge of the bid within 24 hours of the opening. Only the parties that submitted a bid are eligible to protest the bid opening process.

After a bid award, only companies that submitted a bid are eligible to protest the award. Written protests must be submitted to the City within three business days after the award. The Finance Director or designee will conduct a protest review and remit a written decision within ten business days.

After the protest decision is rendered, an appeal may be submitted by the protestor within three days. The Finance Director and City Manager will consider the appeal and issue a final decision within ten business days.

Public Record

Immediately after opening of the bids, the original copy of every bid proposal and a copy of the bid log should be filed with the City Clerk for retention; the bids are a public record. A copy of the proposal of the successful bidder should remain with the initiating department until completion of the project.

Rejection of Bids

Based on the evaluation of bids, the initiating department may recommend that all bids be rejected. The City Council may also reject any or all bids when the public interest will be served. If bids are rejected, the initiating department will inform the bidders in writing.

Any contact made by the bidder with a member of the City Council is grounds for bid rejection.

III. ARCHITECTURAL & ENGINEERING SERVICES

A. Approval Authority

Amount	Approval Authority	Process
Up to \$2,000	Department Manager	Negotiated Contract from A&E List
\$2,001 to \$7,500	Department Director	Negotiated Contract from A&E List
\$7,501 - \$25,000	City Manager	Negotiated Contract from A&E List
Over \$25,000	City Council	Request for Qualifications Negotiated Contract

B. Process

RCW 39.80 requires the City to publicly announce its requirements for architectural and engineering (A&E) services and to negotiate contracts based on competence and qualifications of required services. Notification to consultants will be complied with by annually advertising to A&E firms to submit a statement of qualifications and performance data. The City shall retain the information on file to be used for specific project outlines.

Contracts for Services over \$25,000

The initiating department shall prepare a Request for Qualifications (RFQ) and publish it in advance of the department's requirements for professional services. The RFQ and its publication is intended to reach those potentially interested consultants that can provide the services required within the established time frame.

City of Kenmore Purchasing Parameters and Policies

Whether the RFQ is for a specific project or for a "category or type" of service, it should contain the following information:

- a. Project title and description.
- b. Scope of services desired.
- c. Submission deadline.
- d. Format of response.
- e. Criteria for selection.
- f. Number of copies desired.
- g. Name and telephone number of City contact person.
- h. Instructions for submittal of qualifications and deadline for response.
- i. Specific contract provisions, if applicable.
- j. Notice that all documents submitted are a public record and subject to disclosure.

The responses received will be evaluated at the direction of the initiating department against established and consistently applied evaluation criteria. In some cases, top finalists may be selected for an interview procedure for further evaluation and rating.

Upon conclusion of the evaluation procedure, a recommendation will be presented to the City Manager for submission to the City Council for approval.

Contract negotiations proceed after selection of the most qualified firm at which time statute provides for negotiation of a "fair and reasonable price."

The contract is a legal contract between the City and a vendor and will specify the scope and costs of the services to be provided, as well as the terms of payment. All contracts must be reviewed and approved as to form by the City Attorney. The contract should be composed of two originals and two copies and is distributed as follows after execution:

1. One original provided to the vendor prior to commencing work.
2. One original provided to the City Clerk.
3. One copy to the Support Services Department.
4. One copy to the department responsible for monitoring contract performance and authorizing progress and final payments.

IV. PROFESSIONAL SERVICE CONTRACTS

A. Approval Authority

Amount	Approval Authority	Process
Up to \$2,000	Department Manager	Negotiated Contract
\$2,001 - \$7,500	Department Director	Negotiated Contract
\$7,501 - \$15,000	City Manager	Negotiated Contract
\$15,001 - \$25,000	City Manager	Request for Qualifications Negotiated Contract
Over \$25,000	City Council	Request for Qualifications Negotiated Contract

B. Process

Contracts for professional services such as specialized attorney services, computer programmers, actuarial consultants, planners, bond counsel, custodial and cleaning, etc., may be procured by direct negotiation with a selected firm or individual. All contracts must be reviewed and approved by the City Attorney.

For projected services over \$15,000 Requests for Qualifications are required and the process described under Architectural & Engineering Services will be followed.

C. Cooperative Agreements

Department heads may recommend joining in cooperative purchasing arrangements with other public agencies (RCW 39.34.030.) When state contracts are used through the Office of State Procurement (OSP), no further bidding requirements are needed.

When utilizing an interlocal agreement, the City must file the agreement with the King County Auditor's Office (RCW 39.34.040.)

V. CONFLICT OF INTEREST

No employee will participate directly or indirectly in procurement when they know there is a conflict of interest. Any potential conflicts should be reported to the City Manager for his/her decision as to whether a conflict exists.

VI. SOLICITATIONS OF DONATIONS

The City will not accept donations of materials or services in return for a commitment to continue or initiate a purchasing relationship.

VII. GIFTS AND GRATUITIES

No employee will accept gifts or gratuities from existing or potential vendors in exchange for a commitment to continue or initiate a purchasing relationship.

VIII. DEFINITIONS

Architectural & Engineering Services - Those services within the scope of practice of architecture, engineering or land surveying.

Best Practice Purchasing - Whenever formal written quotes/bids or telephone quotes are not required, competitive relationships with vendors/suppliers/contractors will be shopped or negotiated to assure competitiveness and reasonableness in achieving low cost, good quality and service.

Budget Authority - Person(s) authorized to spend funds up to amounts as budgeted on behalf of the city.

Competitive Sealed Bid - Notice to bidders is advertised and sealed bids are required. Usually, the bid document is very detailed and specific.

Emergency - A situation which results from the occurrence of a disaster, such as, but not limited to flood, hurricane, riot, power outage, disease, or a situation which may lead to the impairment of the health, safety or welfare of the public, if not immediately attended to.

Lowest Responsible Bidder - In addition to price, elements that may be considered when selecting the best bid/proposal, include, but are not limited to:

1. Tax revenue the city would receive by purchasing locally.
2. The ability of the bidder to perform the work.
3. The experience, efficiency, reputation, judgment, integrity, and character of the bidder.
4. Ability to perform promptly and within time specified without delay or interference.
5. Performance quality of previous contracts or services.
6. Previous and/or existing compliance by the bidder with laws relating to contracts or services.
7. Financial responsibility of the bidder to perform the contract or provide the service.
8. Limitations of any license the bidder may be required to possess.
9. The quality, availability, and/or adaptability of the product or service.
10. Ability of the bidder to provide future maintenance and/or service.
11. Life cycle maintenance and performance of the equipment or product.
12. Compatibility and uniformity with existing equipment, services and/or procedures.
13. Other information as may be pertinent and having a bearing on the decision to award the contract.

Procurement – Procurement is the purchase of materials, supplies, or equipment. It is also the transacting of services supported by a contract.

Proposal - The consultant's proposal describing key personnel, technical approach, experience and familiarity with the area, time schedules, work plan, and other information relating to the specific service being sought.

Professional Services - An occupation wherein the labor and skill involved is predominantly mental or intellectual rather than physical or manual. Professions included in this category are: Accountants, artists, attorneys, bond brokers, computer programmers/consultants, insurance brokers, economists, financial analysts, planners, real estate appraisers, and codification of municipal ordinances. Architects, engineers and designing consultants are not classified within this category.

Purchasing Agent - Person(s) responsible for purchasing in each department/unit.

Request for Proposal (RFP) - A solicitation sent to known vendors, usually prepared by a department head or designee, which indicates in a general manner the work or type of

service which the city desires to contract. RFP's generally solicit original ideas from experienced and knowledgeable vendors.

Roster - Small Works - A listing of pre-qualified bidders for public works projects up to \$200,000.

Statement of Qualifications - A form of proposal wherein the prospective consultant/contractor provides information relating to the proposer's qualifications to perform the type(s) of work being sought, and may include brochures, resumes of key personnel, descriptions of work completed in other places, references, etc.

Telephone Quote - Soliciting prices and other terms from vendors by phone wherein records of each contact are maintained.

Written Quotation - A written record of prices and other terms provided by prospective vendors in response to written solicitation sent to the prospective vendors by the City.