

ORDINANCE NO. 2340

AN ORDINANCE RELATING TO PURCHASING OF SUPPLIES, MATERIALS, EQUIPMENT AND CONTRACTUAL SERVICES AND PUBLIC IMPROVEMENTS AND AMENDING CHAPTER 3.85 OF THE KIRKLAND MUNICIPAL CODE.

BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. The following sections of Chapter 3.85 of the Kirkland Municipal Code are each hereby amended to read as follows:

3.85.010 Purpose. It is the purpose of this chapter to prescribe and establish comprehensive procedures for all public works, capital improvements, and purchases of all materials, equipment, supplies and contractual services, except professional services (including banking services) which shall be provided for pursuant to Sections 3.16.040 and 3.16.050, Kirkland Municipal Code.

3.85.130 Public work or improvement--Estimated cost in excess of two thousand five hundred dollars but less than [ten] five thousand dollars--Publication of estimates. When it is determined that a public work or improvement of an estimated cost of less than [ten] five thousand dollars shall be executed by means or method other than by contract, and it appears that the estimated probable cost of executing the work will exceed two thousand five hundred dollars, then at least fifteen days before the work is begun, the appropriate administrative official of the city shall cause such estimate, together with a description of the work, to be published at least once in a newspaper of general circulation within the county; except that when any emergency requires the immediate execution of such public work, upon a finding of the existence of any emergency by the authority having power to direct such public work to be done, duly entered of record, publication of description and estimate may be made within seven days after the commencement of the work.

3.85.140 When bids required for public works and improvements.  
(a) Except as otherwise authorized by RCW Chapters 39.04 and 39.28 relating to emergency public works or other applicable general state law as now enacted, or as hereafter amended, all public works and improvements shall be done by contract, pursuant to public notice and call for competitive bids whenever the estimated cost of such public work or improvement, including the cost of materials, supplies and equipment will exceed the sum of [ten] five thousand dollars [~~provided, whenever this public work or improvement is for construction of water mains, such sum shall be fifteen thousand dollars~~].

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

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

3.85.142 Equality of opportunity to participate. All contracts by and between the city and contractors for any public work or improvement exceeding the sum of [~~ten~~] five thousand dollars [~~or fifteen thousand dollars for construction of water mains;~~] shall contain the following clause:

"Contractor agrees that he shall actively solicit the employment of minority groups. Contractor further agrees that he shall actively solicit bids for the subcontracting of goods or services from qualified minority businesses. Contractor shall furnish evidence of his compliance with these requirements of minority employment and solicitation. Contractor further agrees to consider the grant of subcontractors to said minority bidders on the basis of substantially equal proposals in the light most favorable to said minority businesses. The contractor shall be required to submit evidence of compliance with this Section as a part of the bid."

As used in this section, the term "minority business" means a business of at least fifty-one percent of which is owned by minority group members. Minority group members include, but are not limited to Blacks, Women, Native Americans, Orientals, Eskimos, Aleuts and Spanish Americans.

Section 2. Chapter 3.85 of the Kirkland Municipal Code is further amended by the addition thereto of a new section to read as follows:

"3.85.101 Personal Responsibility for Unauthorized Purchases. Any city employee making a purchase or contract contrary to the provisions of this chapter or accepting for delivery to the city any items purchased contrary to the provisions of this chapter shall be personally responsible for payment of same. To this extent that the city may be required to pay for same, the city shall be entitled to recover the full amount of such payment from such employee."


Section 3. This ordinance shall be in force and take effect five days from and after its passage by the City Council and publication as required by law.

ADOPTED BY MAJORITY VOTE of the Kirkland City Council in regular meeting on the 22nd day of February, 1977.

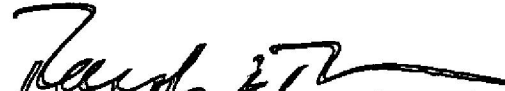
SIGNED IN AUTHENTICATION thereof on the 22nd day of February, 1977.

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
DIRECTOR OF ADMINISTRATION AND  
FINANCE  
(ex officio City Clerk)

Approved as to form:

  
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City Attorney