

ORDINANCE NO. 2489

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO PURCHASING AND CONTRACTING FOR PUBLIC WORKS AND AMENDING CHAPTER 3.85 OF THE KIRKLAND MUNICIPAL CODE TO MAKE SAID CHAPTER CONSISTENT WITH CHAPTER 89 WASHINGTON LAWS 1979 FIRST EXTRAORDINARY SESSION.

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

Section 1. Chapter 3.85 of the Kirkland Municipal Code is hereby amended and supplemented as follows:

Section 3.85.040 Kirkland Municipal Code is amended to read as follows:

3.85.040 Competitive bidding--When required. Any purchase of supplies, material, equipment or services, except for public works or improvements, including the printing of supplies, where the cost thereof exceeds ~~/five/~~ four thousand dollars, shall be made upon call for bids in the same method and under the same conditions as required herein on a call for bids for public work or improvement. (Ord. 2313 §1(part), 1976).

Section 3.85.050 Kirkland Municipal Code is amended to read as follows:

3.85.050 Open market purchase of items costing less than /five/ four thousand dollars. All purchases of materials, supplies, equipment and contractual services costing less than ~~/five/~~ four thousand dollars may be made on the open market. All open market purchases shall, when ~~ever-practicable~~ in excess of two thousand dollars, be based on at least three competitive prices or bids solicited by the purchasing manager by direct mail request to prospective vendors, by personal contact with sales representatives or by any other appropriate means. The purchasing manager shall keep a record of all open market orders and bids submitted in competition thereon and such records shall be open for public inspection, including telephone inquiry, during regular office hours. The purchasing manager shall award the bid on open market purchases to such bidder as he shall determine to be the lowest and best responsible bidder, in accordance with the provisions of this chapter. (Ord. 2313 §1(part), 1976).

Section 3.85.060 Kirkland Municipal Code is amended to read as follows:

3.85.060 Filing of statements on awards to other than low bidder for item costing less than /~~five~~/ four thousand dollars. When the award for purchase of an item costing less than /~~five~~/ four thousand dollars is not given to the lowest bidder in price, a statement of the reasons for placing the order elsewhere shall be prepared and filed with the other papers relating to the transaction and shall be open to public inspection during regular office hours. (Ord. 2313 §1(part), 1976).

Section 3.85.070 Kirkland Municipal Code is amended to read as follows:

3.85.070 Rejection of bids for open market purchases costing less than /~~five~~/ four thousand dollars. The purchasing manager shall have authority to reject all bids, or parts thereof, for any one or more supplies or contractual services of less than /~~five~~/ four thousand dollars when the public interest will be served thereby, and upon rejection of such bid, shall include the reason therefor in the records of the transaction, which shall be open for public inspection. (Ord. 2313 §1(part), 1976).

Section 3.85.080 Kirkland Municipal Code is amended to read as follows:

3.85.080 Noncompetitive and special purchase of less than /~~five~~/ two thousand dollars. The purchasing manager shall be authorized to make open market purchases costing less than /~~five~~/ two thousand dollars without obtaining competitive bids therefor under the following conditions:

(1) Items of special design: when an item required is of special design, shape or manufacture to match or fit in with an existing installation and competitive bidding is impracticable;

(2) Surplus or /~~distress~~/ distress sales: when it is possible to procure obvious bargains in surplus or distress material, supplies or equipment;

(3) Items for quick delivery: when the obtaining of competitive bids will cause delay resulting in an appreciable loss to the city;

(4) Small items not stocked--Monthly purchase orders: the purchasing manager shall be authorized to establish monthly purchase orders with local vendors for period of not more than ten months for the purchase of items costing less than fifty dollars or perishable

items which cannot be stocked by the departments and are available at usual market prices. Such local vendors shall be selected on the basis of best overall price policies, breadth and depth of stocks and delivery service. (Ord. 2313 §1(part), 1976).

Section 3.85.120 Kirkland Municipal Code is amended to read as follows:

3.85.120 Formal contract requirements. All competitive bids in the amount of ~~/five/~~ four thousand dollars or more shall be evidenced by written proposal submitted to and approved by the city council.

(1) Approval of Legal Form of Contracts. All contracts for the purchase of supplies, services, materials and equipment required by this chapter shall be approved as to legal form by the city attorney.

(2) Approval by the City Manager of Designated Agent. The city manager or his designated agent shall examine all contracts, purchase orders and other documents which involve financial obligations against the city and approve the same only upon ascertaining that moneys have been appropriated and that an unexpended and unencumbered balance is available to meet the same. The director of administration and finance is the disbursing officer and is designated the approving authority for the collection and fund disposition of the retainage as provided in RCW60.28.010.

(3) Authority to Sign Contracts. All contracts for purchase of supplies, materials, equipment or services required by this chapter shall be executed on behalf of the city manager or the purchasing manager. (Ord. 2313 §1(part), 1976).

Section 3.85.130 Kirkland Municipal Code is amended to read as follows:

3.85.130 Public work or improvement--Estimated cost in excess of two thousand five hundred dollars but less than ~~/five/~~ fifteen thousand dollars--Publication of estimates. When it is determined that a public work or improvement of an estimated cost of less than ~~/five/~~ fifteen 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 an emergency by the authority having power to direct such public work to be done, duly entered of record, publication of description and estimate may be made within seven days after the commencement of the work. (Ord. 2340 §1(part), 1977: Ord. 2313 §1(part), 1976).

Section 3.85.140 Kirkland Municipal Code is amended to read as follows:

3.85.140 When bids required for public works and improvements. (a) Except ~~as~~ when otherwise authorized by Section 3.85.205 KMC, 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 ~~five~~ fifteen thousand dollars.

(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. (Ord. 2340 §1(part), 1977: Ord. 2313 §1(part), 1976).

Section 3.85.180 Kirkland Municipal Code is amended to read as follows:

3.85.180 Award or rejection of bids. For the purchase of supplies, equipment and contractual services in an amount in excess of ~~five~~ four thousand dollars and for contracts for public works or improvements in excess of ~~ten~~ fifteen thousand dollars ~~{fifteen thousand-dollars-when-the-contract-is-for-construction-of-water-mains}~~ the city manager shall present the bids received, together with recommendations of the

department or departments concerned to the city council at a regular meeting. The council shall award the contract to the lowest responsible bidder or may reject any and all bids for any transaction when the public interest will be served thereby. (Ord. 2313 §1(part), 1976).

Section 3.85.220 Kirkland Municipal Code is amended to read as follows:

3.85.220 Competitive bidding--When required by federal or state regulations. All public works projects and all purchases of materials, supplies or services other than professional services the cost of which ~~/exceeds two thousand five hundred dollars and which~~ will be paid for in whole or in part from moneys received from the Community Development Act of 1974 fund allocations, shall be subject to the competitive bidding requirements applicable to such project or purchase as set forth in the contract between the city and King County, notwithstanding the fact that competitive bidding procedures would not be required by this chapter.

Whenever the conditions of a state or federal grant received by the city establish competitive bidding procedures and requirements inconsistent with the procedures and requirements of this chapter, the conditions of such grant shall apply to all public works projects and purchases to be paid for in full or in part by moneys received from such grant. (Ord. 2313 §1(part), 1976).

Section 2. There is hereby added to Chapter 3.85 Kirkland Municipal Code, a new section to be known as Section 3.85.205, to read as follows:

NEW

SECTION Section 3.85.205 Award of contract from "small works roster" for public work estimated to cost less than twenty thousand dollars. As authorized by RCW 35.23.352(2) the City may maintain a small works roster comprised of all contractors who have requested to be on the roster and are, where required by law, properly licensed or registered to perform such work in this State.

Whenever work is done by contract, the estimated cost of which is twenty thousand dollars or less, and the City uses the small works roster, the City shall invite proposals from all appropriate contractors on

the small works roster: Provided, that whenever possible, the City shall invite at least one proposal from a minority contractor who shall otherwise qualify under this section. Such invitation shall include an estimate of the scope and nature of the work to be performed and materials and equipment to be furnished. Award of a contract to a contractor on the small works roster, when the estimated cost of the work is twenty thousand dollars or less, shall be by award to the contractor submitting the lowest responsible bid. A current list of contractors qualifying pursuant to this section for inclusion on the small works roster shall be maintained at all times as a public record in the office of the Purchasing Manager.


Section 3. This ordinance shall be in full force and effect five (5) days from and after its passage by the City Council and publication as required by law.

PASSED by the City Council in regular meeting on the 5th day of November, 1979.

SIGNED IN AUTHENTICATION thereof on the 5th day of November, 1979.


MAYOR

ATTEST:


Director of Administration & Finance
(ex officio City Clerk)

APPROVED AS TO FORM:


City Attorney