

ORDINANCE No. 3024

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO PURCHASING OF MATERIALS, EQUIPMENT, SUPPLIES, AND CONTRACTUAL SERVICES, AND THE CONSTRUCTION OF PUBLIC WORKS, INCREASING THE MINIMUM AMOUNTS REQUIRING CALL FOR SEALED BIDS, 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. Section 3.85.010 of the Kirkland Municipal Code is 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; provided that contractual services, subject to the provisions of this chapter, shall not include professional services, banking services, garbage collection services, nor contracts for personal 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].

Section 2. Section 3.85.020 of the Kirkland Municipal Code is hereby amended to read as follows:

3.85.020 Responsibility for Purchasing.

The Director of Administration and Finance shall be responsible for all City Government purchasing and shall appoint a Purchasing Manager, who shall, subject to the acceptations stated in this Chapter, make all purchases of materials, supplies, equipment and contractual services [~~; except professional services;~~] for all departments, offices, boards and other agencies of the city government. The duties and responsibilities designated in this chapter to be performed by the director of administration and finance and the purchasing manager shall be performed under the direction and control of the city manager.

Section 3. Section 3.85.040 of the Kirkland

Municipal Code be and it hereby 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 fifteen [~~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. Notwithstanding the foregoing, when such a purchase is clearly and legitimately limited to a single source or supply, within the Seattle Metropolitan Area, or the materials supplies, equipment or services, are subject to special market conditions, then such purchase may be made without competitive, sealed bid and by negotiation, provided that prior to the making of such purchase, the purchasing manager obtains the approval of the City Council, which approval shall be expressed by Resolution setting forth why the requirements of this sentence are met.

Section 4. There is hereby added to Chapter 3.85 of the Kirkland Municipal Code a new section to read as follows:

3.85.042 Lease of Equipment

The lease of equipment shall for the purposes of this chapter be deemed to be a purchase of equipment requiring competitive sealed bidding only if (1) the lease is for a period in excess of twelve months, and (2) the annualized rental is in excess of \$15,000. 3.85.050 shall apply in every other case where equipment is to be leased.

Section 5. Section 3.85.050 of the Kirkland Municipal Code is hereby amended to read as follows:

3.85.050 Open Market Purchase of Items Costing Less Than Fifteen [~~four~~] Thousand Dollars.

All purchases of materials, supplies, equipment and contractual services costing less than fifteen [~~four~~] thousand dollars thousand dollars may be made on the open market. All open market purchases shall, when in excess of seven thousand five hundred [~~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.

Section 6. 3.85.060 of the Kirkland Municipal Code is hereby amended to read as follows:

3.85.060 Filing of Statements on Awards to Other Than Low Bidder for Item Costing Less Than Fifteen [~~ten~~] Thousand Dollars.

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

Section 7. Section 3.85.070 of the Kirkland Municipal Code is hereby amended to read as follows:

3.85.070 Rejection of Bids for Open Market Purchases Costing Less Than Fifteen [~~ten~~] 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 fifteen [~~ten~~] 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.

Section 8. 3.85.080 of the Kirkland Municipal Code is hereby amended to read as follows:

3.85.080 Noncompetitive and Special Purchase of Less Than Seven Thousand Five Hundred [~~two thousand~~] Dollars.

The purchasing manager shall be authorized to make open market purchases costing less than seven thousand five hundred [~~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 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 periods 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.

Section 9. Section 3.85.120 of the Kirkland Municipal Code is hereby amended to read as follows:

3.85.120 Formal Contract Requirements.

All competitive bids in excess of the amount of [~~four thousand dollars or more~~] fifteen thousand dollars 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 or Designated Agent. The city manager or his designated agent shall examine all contracts, purchase orders and other documents which involve financial obligations against the city and approve the same only upon ascertaining that moneys have been appropriated and that an unexpended and unencumbered balance is available to meet the same. The director of 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 RCW 60.28.010.

(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 by the City manager or the purchasing manager.

Section 10. Section 3.85.130 of the Kirkland Municipal Code is hereby amended to read as follows:

3.85.130 Public Work or Improvement - Estimated Cost in Excess of Five Thousand [~~two thousand five hundred~~] Dollars But Less Than [~~fifteen~~] Twenty Thousand Dollars - Publication of Estimates.

When it is determined that a public work or improvement of an estimated cost of less than twenty [~~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 five thousand [~~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.

In addition, the city shall use the form required by Section 4, Chapter 120, Laws of 1987 to account and record the cost of public works in

excess of \$5,000 and not let by contract.

Section 11. Section 3.85.140 of the Kirkland Municipal Code is hereby amended to read as follows:

3.85.140 When Bids Required for Public Works and Improvements.

(a) Except 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 [fifteen thousand dollars] thirty thousand dollars if more than one craft or trade is involved with the public works, or twenty thousand dollars if 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 as defined in Section 3.85.141.

(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 bids; except that notice by publication may be given in the manner authorized by RCW 39.28.020 (5) or other general state law when applicable.

Section 12. Section 3.85.205 of the Kirkland Municipal Code is hereby amended to read as follows:

3.85.205 Award of Contract From Small Works Roster for Public Work Estimated to Cost Less Than One Hundred [twenty] Thousand Dollars.

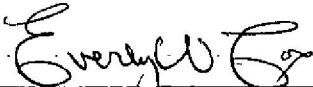
As authorized by RCW 35.23.352 (3) the city may maintain a small works roster comprised of all contractors who have requested to be on the roster and are, where required by law, properly licensed or registered to perform such work in this state.

Whenever work is done by contract, the estimated cost of which is one hundred [~~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 wherever 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 one hundred [~~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 13. Savings clause. If any section, subsection, sentence, clause, phrase part or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not effect the validity of the remaining portions of this Ordinance.


Section 14. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, pursuant to Section 1.08.017 Kirkland Municipal Code in the Summary form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City
Council in regular, open meeting this 15th day of
June 1987.



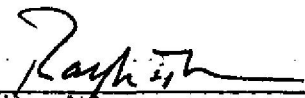
MAYOR Pro Tem

ATTEST:



City Clerk

APPROVED AS TO FORM:



City Attorney

SUMMARY OF ORDINANCE No. 3024

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO PURCHASING OF MATERIALS, EQUIPMENT, SUPPLIES, AND CONTRACTUAL SERVICES, AND THE CONSTRUCTION OF PUBLIC WORKS INCREASING THE MINIMUM AMOUNTS REQUIRING CALL FOR SEALED BIDS AND AMENDING CHAPTER 3.85 OF THE KIRKLAND MUNICIPAL CODE.

Sections 1 and 2. Amend, respectively, Sections 3.85.010 and 3.85.020 of the Kirkland Municipal Code. The amendments to both Sections, clarify that personal and/or professional service contracts are not covered by Chapter 3.85, Kirkland Municipal Code.

Section 3. Amends Section 3.85.040 of the Kirkland Municipal Code to exempt from competitive bid requirements certain sole source and other purchases of supplies, materials, equipment, and contractual services, as exempted by Chapter 120, Legislative Session Laws of 1987.

Section 4. Adds a new Section 3.85.042 relating to the lease of equipment and establishing competitive bid requirements for leases with a period in excess of twelve months and whose annualized rental is in excess of \$15,000.

Sections 5 and 6. Amend, respectively, Sections 3.85.040 and 3.85.060 to reflect the increase in the amount of material, supplies, equipment, and contractual services, which may be purchased by the purchasing manager on the open market following obtaining of three competitive price quotes, to make said Sections consistent with the provisions of Chapter 20, Laws of 1987.

Section 7 through 9 inclusive, amend the Sections of Chapter 3.85 as designated, which relate to the procedures to be followed by the Kirkland purchasing manager in making purchases of supplies, materials, equipment, and contractual services, to reflect the increase in the maximum amount of such purchases which may be made by the City other than through competitive sealed bid from \$4,000 to \$15,000 in conformance with Chapter 20, Laws of 1987:

<u>Ordinance Section</u>	<u>Section Kirkland Municipal Code Amended</u>
Section 7	Section 3.85.070
Section 8	Section 3.85.080
Section 9	Section 3.85.120

Section 10. Amends Section 3.85.130 of the Kirkland Municipal Code to increase the maximum estimated cost of a public work project, which may be done without call for sealed bids, from \$15,000 to \$20,000 and requires the City to use, in such instances, the accounting and record of cost form established by Section 4, Chapter 120, Laws of 1987 where the estimated cost is in excess of \$5,000.

Section 11. Amends Section 3.85.140 to reflect the minimum amount of estimated cost of a public work project which must be let by sealed bids pursuant to Chapter 20, Laws of 1987.

Section 12. Amends Section 3.85.205 to increase the maximum amount of a public works project whose contract may be awarded from the "small works roster" from \$20,000 to \$100,000 in accordance with Chapter 20, Laws of 1987.

Section 13. Provides that if any Section or portion of the Ordinance is found to be invalid, such declaration shall not invalidate the remaining provisions of the Ordinance.

Section 14. Authorizes publication of this Summary, approves the Summary to be published and establishes the effective date of the Ordinances five days after passage and publication of the Summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its regular meeting on the 15th day of June, 1987.

I certify that the foregoing is the summary of Ordinance 3024 approved by the Kirkland city Council for summary publication.


City Clerk for the
City of Kirkland