

ORDINANCE O-4861

AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING CHAPTER 3.85 OF THE KIRKLAND MUNICIPAL CODE RELATING TO PURCHASING.

1           WHEREAS, the City has adopted regulations to direct and  
2 regulate the City of Kirkland's contracting for the purchase of goods,  
3 supplies, equipment, professional and nonprofessional services, and  
4 public works projects, codified as chapter 3.85 of the Kirkland Municipal  
5 Code (KMC); and  
6

7           WHEREAS, chapter 3.85 KMC was originally adopted in 2007  
8 and, while it has been amended from time to time to reflect changes in  
9 procured or to reflect updates in the law, the monetary minimum  
10 threshold amounts have not been increased in some time and the  
11 requirements have not been modified to address additional specific  
12 types of purchasing where the City does not benefit from competitive  
13 bidding, such as civil legal services and vehicle repair; and  
14

15           WHEREAS, the City will benefit from removing specific dollar or  
16 percentage amounts for public works projects, as those are based on  
17 state statutory provisions that are amended from time to time, and will  
18 further benefit from incorporating various alternative public works  
19 contracting procedures; and  
20

21           WHEREAS, in addition to substantive amendments, chapter  
22 3.85 KMC will benefit from various housekeeping amendments to  
23 provide greater clarity or consistency in these purchasing procedures;  
24 and  
25

26           WHEREAS, the City Council has determined that the proposed  
27 amendments are in the best interests of the City of Kirkland.  
28

29           NOW, THEREFORE, the City Council of the City of Kirkland do  
30 ordain as follows:  
31

32           Section 1. Section 3.85.020 of the Kirkland Municipal Code  
33 (KMC), and the corresponding portions of Ordinance O-4402 § 1 (2013)  
34 and Ordinance O-4105 § 1 (2007), is amended to read as follows, with  
35 new text shown in underline and deleted text shown in strikethrough:  
36

37           **3.85.020       Definitions.**

38           Where used in this chapter, the following words and terms shall have  
39 the meanings as defined in this section, unless, from the context, a more  
40 limited or different meaning is clearly defined or apparent:

41           ~~(a)~~ "Director" means the director of finance and administration or their  
42 his/her designee.

43           "Durable goods" means tangible products that have an average usable  
44 life of at least three years.

45 (b)–“Emergency” means unforeseen circumstances beyond the control  
46 of the city that either present a real, immediate threat to the proper  
47 performance of essential functions or will likely result in material loss or  
48 damage to property, bodily injury or loss of life if immediate action is not  
49 taken.

50 (c)–“Electronic data processing systems” and “telecommunications  
51 systems” means as defined in RCW 36.92.020 and 19.28.400,  
52 respectively, or as otherwise defined for the purposes of RCW  
53 39.04.270.

54 (d) “Goods” means all materials, supplies, equipment or other tangibles.

55 (e) “Lowest responsible bidder” as it applies to the purchase of goods  
56 and services other than public work means, that in addition to price, the  
57 following elements to the extent allowed by law may be given  
58 consideration:

59 (1) The ability, capacity, and skill of the bidder to perform the  
60 contract or provide the service required;

61 (2) The character, integrity, reputation, judgment, experience,  
62 and efficiency of the bidder;

63 (3) Whether the bidder can perform the contract within the time  
64 specified;

65 (4) The quality of performance of previous contracts or services;

66 (5) The previous and existing compliance by the bidder with laws  
67 relating to the contract or services;

68 (6) The availability, duration, and quality of service guarantees  
69 and warranties offered by the bidder;

70 (7) The brand, availability of repair parts, and compatibility with  
71 existing equipment and systems;

72 (8) The location of the bidder’s product service centers, if  
73 applicable, in relation to the city of Kirkland;

74 (9) The bidder’s timeliness of the delivery of goods or services;

75 (10–6) Such other information as may be secured having a  
76 bearing on the decision to award the contract.

77 (f)–“Public works” as defined in RCW 39.04.010 means all work,  
78 construction, alteration, repair, or improvement other than ordinary  
79 maintenance, executed at the cost of the city or which is by law a lien or  
80 charge on any property therein. All public works, including maintenance  
81 when performed by contract, shall comply with the provisions of RCW  
82 39.12.020.

83 (g)–“Mandatory bidder responsibility criteria” as defined in RCW  
84 39.04.350(1) means criteria that must be met to be considered a  
85 responsible bidder and qualified to be awarded any public works project.

86 (h)–“Supplemental bidder responsibility criteria” as defined in RCW  
87 39.04.350(32) means relevant criteria for determining bidder  
88 responsibility applicable to a particular project which the bidder must  
89 meet.

90            Section 2. KMC 3.85.030, and the corresponding portions of  
 91 Ordinance O-4402 §1 (2013) and Ordinance O-4105 §1 (2007), is  
 92 amended to read as follows:

93  
 94            **3.85.030            Administrative responsibility.**

95            (a) The Director is responsible for oversight and administration of city  
 96 purchasing. The Director has the authority to appoint a purchasing  
 97 agent to undertake administrative responsibility for the efficient and  
 98 economical procurement of goods, services and public works as  
 99 provided in this chapter.

100            (b) The Director may delegate purchasing authority to other  
 101 department directors, managers, supervisors, and/or other approved  
 102 staff for direct, nonrecurring, non-public works purchases ~~under seven~~  
 103 ~~thousand five hundred dollars~~, which shall be exercised as a small  
 104 purchase. The maximum threshold amounts the Director can delegate  
 105 under this subsection are: seventy-five thousand for department  
 106 directors; ten thousand for managers; and one thousand for supervisors  
 107 and approved staff.

108  
 109            Section 3. KMC 3.85.040, and the corresponding portions of  
 110 Ordinance O-4402 §1 (2013), Ordinance 4256 §1 (2010), and  
 111 Ordinance O-4105 §1 (2007), is amended to read as follows:

112  
 113            **3.85.040            Procurement standards.**

114            The following standards shall be applicable to city procurements:

115            (a) A review of all proposed procurements shall be done by purchasing  
 116 staff and/or the appropriate budget authority for the purpose of, including  
 117 but not limited to, avoiding the purchase of unnecessary or duplicative  
 118 items and for consolidating procurements when appropriate to obtain a  
 119 more economical purchase.

120            (b) The purchasing agent or designee shall be responsible for analyzing  
 121 procurements to determine whether or not a lease arrangement may be  
 122 more economically practical than the purchase alternative. All lease  
 123 agreements must be approved by the Director.

124            (c) Time and material type contracts shall be used only after a  
 125 determination that no other type of contract is suitable and when the  
 126 contract includes a ceiling price, which the contractor shall not exceed,  
 127 except at its own risk.

128            (d) When using a liquidated damages provision in a contract, the project  
 129 manager shall document the derivation of the rate of assessment and  
 130 ensure it is reasonable, proper, and not arbitrary and capricious. The  
 131 rate should be enough to reasonably compensate the city for damages  
 132 suffered, but not so large as to be construed as a penalty.

133            (e) When contracting for professional services, the contract shall limit  
 134 the total of the base and option time periods to not more than five years,  
 135 unless otherwise approved by the city manager. Prices for each base  
 136 and option time period shall be firm and fixed wherever possible and  
 137 shall be established in the initial contract negotiation and execution. If it  
 138 is not possible to establish firm, fixed prices, changes in the option

139 period prices shall be tied to a well-known, published pricing index, such  
140 as the appropriate Consumer Price Index.

141 (f) Generally goods and services are not to be prepaid (paid for before  
142 receiving) unless expressly allowed by statute, the Kirkland Municipal  
143 Code or city administrative policy; provided, prepayment may be made  
144 if the terms of the prepayment are included in a contract executed prior  
145 to the payment. Progress or percentage of completion payments made  
146 to a contractor while work is being performed by the contractor may be  
147 allowed if deemed appropriate for the project.

148 (g) Project managers and purchasing staff shall work together to ensure  
149 contractors perform in accordance with the terms and conditions, and  
150 specifications of their contract or purchase order.

151 (h) All contracts must contain a provision allowing the city to terminate  
152 the contract. Ideally, the provision will authorize such termination without  
153 cause but, in lieu of this ideal, a provision allowing termination for cause  
154 is acceptable if approved by the city attorney's office. A provision in a  
155 single contract authorizing termination without cause in certain  
156 circumstances and termination only for cause in others is also  
157 acceptable upon approval by the city attorney's office.

158  
159 Section 4. KMC 3.85.070, and the corresponding portions of  
160 Ordinance O-4402 §1 (2013) and Ordinance O-4105 §1 (2007), is  
161 amended to read as follows, with new text shown in underline and  
162 deleted text shown in strikethrough:  
163

164 **3.85.070 Methods of procurement.**

165 Procurement shall be achieved by one of the following methods:

166 (a) Small purchase;

167 (b) Invitation for bids (IFB);

168 (c) Request for proposals (RFP) and request for qualifications (RFQ)  
169 for competitive negotiations;

170 (d) Small works roster option for public works projects less than the  
171 threshold in dollars three hundred thousand dollars authorized by RCW  
172 39.04.155, including the limited public works option for projects under  
173 thirty five thousand dollars the threshold in dollars authorized by RCW  
174 39.04.155;

175 (e) Cooperative purchasing;

176 (f) Electronic data processing and telecommunications systems as  
177 provided by RCW 39.04.270;

178 (g) Waiver of competitive bidding requirements as provided by RCW  
179 39.04.280;

180 (h) Job order contracting as provided for in ~~Chapter~~ 39.10 RCW;

181 (i) Design-build contracting as provided for in chapter 39.10 RCW;

182 (j) Contractor/construction manager contracting as provided for in  
183 chapter 39.10 RCW;

184 (k) Performance-based contracting for water conservation services,  
 185 solid waste reduction services, and energy equipment and services as  
 186 provided for in chapter 39.35A RCW;

187 (l) By the city manager as allowed under Sections 3.16.040 and  
 188 3.16.050;

189 (m-j) As otherwise allowed by law and approved by the Ddirector.

190  
 191 Section 5. KMC 3.85.080, and the corresponding portions of  
 192 Ordinance O-4402 §1 (2013), Ordinance 4256 §1 (2010), Ordinance  
 193 4111 §2 (2007), and Ordinance O-4105 §1 (2007), is amended to read  
 194 as follows:

195  
 196 **3.85.080 Small purchase.**

197 (a) Small purchase procedures shall be used for purchases of goods,  
 198 equipment, materials, and ~~routing~~ routine services when it is expected  
 199 the total price will not exceed seventy-five ~~forty~~-thousand dollars,  
 200 including sales tax and freight, except as otherwise allowed in Sections  
 201 3.85.190 and 3.85.200. Procurement requirements shall not be  
 202 artificially divided so as to constitute a small purchase under this section.  
 203 The director of the department making these purchases is authorized to  
 204 make such purchases without further approval if the total price will not  
 205 exceed seventy-five ~~forty~~-thousand dollars so long as done in compliance  
 206 with the procedures herein outlined. All purchases of seventy-five ~~forty~~  
 207 thousand dollars or more shall be approved by the city manager or  
 208 designee.

209 (b) For goods, equipment, materials, and routine services, price  
 210 quotations shall be obtained and documented from at least three  
 211 sources, where possible, if the total price is expected to be between ten  
 212 ~~seven~~-thousand ~~five~~-hundred dollars and seventy-five ~~forty~~-thousand  
 213 dollars including sales tax and freight, except as otherwise allowed in  
 214 this chapter. All awards to other than the lowest responsible bidder must  
 215 be documented on the quote sheet with selection rationale clearly  
 216 defined. For goods, equipment, materials, and routine services under  
 217 ten ~~seven~~-thousand ~~five~~-hundred dollars, formally documented price  
 218 quotations shall be unnecessary, but it is expected that competitive  
 219 pricing shall be sought in the best interests of the city.

220 (c) The purchasing agent shall be responsible for determining the  
 221 adequacy of quotations for small purchases. So long as the  
 222 authorization exists within the budget appropriation for the small  
 223 purchase, the manager or director with the appropriate budget authority  
 224 shall not be required to obtain further approval by the city council prior  
 225 to the commitment and expenditure of funds.

226 (d) Price quotations for repetitively purchased items that are purchased  
 227 within one year of the last procurement of that exact item(s) shall be  
 228 unnecessary provided the prior competitively quoted purchase price has  
 229 not changed.

230 (e) In accordance with RCW 39.04.190, the purchasing agent will  
 231 publish a notice twice per year in the city's designated official newspaper  
 232 advising potential bidders of the existence of the vendor list used by the  
 233 city. The vendor list is to be used for the purpose of identifying suppliers

234 interested in being provided the opportunity to quote on small purchases  
235 for materials, equipment, supplies, and routine services.

236

237 Section 6. KMC 3.85.085, and the corresponding portions of  
238 Ordinance O-4402 §1 (2013), is amended to read as follows:

239

240 **3.85.085 Public work bidding requirements.**

241 (a) Per RCW 35A.40.210(1), public work and improvements for code  
242 cities are governed by RCW 35.23.352, which also applies to second-  
243 class cities and towns.

244 ~~In accordance with RCW 35.23.352,~~ the city may construct any  
245 public works, as defined in RCW 39.04.010, by contract or day labor  
246 without calling for bids for such work whenever the estimated cost of the  
247 work or improvement, including the cost of materials, supplies, and  
248 equipment, will not exceed the thresholds in dollars as authorized by  
249 RCW 35.23.352(1) sum of sixty-five thousand dollars if more than one  
250 craft or trade is involved with the public works, or forty thousand dollars  
251 if a single craft or trade is involved with the public works, or the public  
252 works project is street signalization or street lighting. A public works  
253 project means a complete project. The restrictions in this subsection do  
254 not permit the division of the project into units of work or classes of work  
255 to avoid the restriction on work that may be performed by day labor on  
256 a single project.

257 (c) When bidding for public work estimated to be in an amount greater  
258 than the thresholds set forth in subsection (b) of this section, the city  
259 may either use the invitation for bids process (Section 3.85.100) or, if  
260 within the threshold in dollars authorized by RCW 39.04.155(1) less than  
261 three hundred thousand dollars, the small works roster process (Section  
262 3.85.170) to obtain competitive bids.

263 (1) When preparing bid documents for any public work project,  
264 the checklist for developing supplemental bidder responsibility  
265 criteria is to be reviewed and completed by the project manager  
266 to determine what, if any, supplemental criteria may be  
267 appropriate for the project. The completed checklist must be  
268 reviewed and approved by the project manager's immediate  
269 supervisor.

270 (d) As an alternative to bidding for public work for projects costing within  
271 the threshold in dollars authorized by RCW 39.10.450(1) less than three  
272 hundred fifty thousand dollars, the city may engage in job order  
273 contracting as allowed under Chapter 39.10 RCW and specified in  
274 RCW 39.10.410 through 39.10.470.

275 (e) Subject to city council approval and the requirements of RCW  
276 39.10.270 or RCW 39.10.280, the city may engage in design-build  
277 procedure for public works projects as allowed under chapter 39.10  
278 RCW and specified in RCW 39.10.300 through 39.10.330.

279 (f) Subject to city council approval and the requirements of RCW  
280 39.10.270 or RCW 39.10.280, the city may engage in general  
281 contractor/construction manager procedure for public works projects as  
282 allowed under chapter 39.10 RCW and specified in RCW 39.10.340  
283 through 39.10.410.

284 (g-e) Per RCW 39.04.020, for any public work which is not competitively  
 285 bid and where the cost is estimated to exceed the threshold in dollars  
 286 authorized by RCW 39.04.020 ~~twenty-five thousand dollars~~, notice  
 287 providing the estimated cost and a description of the work will be  
 288 published at least once in a legal newspaper of general circulation in the  
 289 area where the work will be performed and at least fifteen days before  
 290 beginning work.

291 Section 7. KMC 3.85.090, and the corresponding portions of  
 292 Ordinance O-4402 §1 (2013) and Ordinance O-4105 §1 (2007), is  
 293 amended to read as follows:

294  
 295 **3.85.090 Invitation for bids/requests for proposals.**

296 (a) Unless another method of procurement is authorized in this chapter  
 297 or by other law, IFB/RFP/RFQ procedures shall be used for the  
 298 purchase of goods and services when it is estimated the total price will  
 299 exceed seventy-five ~~fifty~~ thousand dollars, including any applicable  
 300 sales tax and freight charges.

301 (b) A pre-submission conference may be held when conducting the IFB,  
 302 RFP, or RFQ process. The pre-submission conference is for the  
 303 purpose of answering questions and clarifying the requirements and  
 304 specifications relevant to the procurement. Notice for such pre-  
 305 submission conference shall be advertised and stated in the public  
 306 notice and the general requirements for the invitation for bids, request  
 307 for proposals or request for qualifications.

308 (c) To facilitate efficient award of purchases solicited through an  
 309 invitation for bid, the city manager may request that Council pre-  
 310 authorize award of a contract valued under two million dollars, provided  
 311 the bid does not contain any cumulative additive alternates; the award  
 312 is to the lowest responsive, responsible bidder; and the amount of the  
 313 low bid is within the authorized budget for the project.

314  
 315 Section 8. KMC 3.85.090, and the corresponding portions of  
 316 Ordinance O-4402 §1 (2013) and Ordinance O-4105 §1 (2007), is  
 317 amended to read as follows:

318  
 319 **3.85.100 ~~Invitation for bids~~ Public Works bid invitation,**  
 320 **acceptance, and evaluation.**

321 (a) An invitation for bids (IFB) for public works shall be used in all cases  
 322 where adequate information exists to form a complete and realistic bid  
 323 specification, where the procurement lends itself to a firm, fixed-price  
 324 dollar amount, and where award can be made principally on the basis  
 325 of selecting the lowest responsible bidder.

326 (1) All public works project awards to other than the low bidder  
 327 must be authorized by law, documented on the bid sheet or  
 328 where appropriate and with the selection rationale clearly set  
 329 forth.

330 (2) The IFB shall specify the city's right to postpone the award  
 331 of the contract or to reject any or all bids.

332 (3-4) When preparing an IFB for a public work project, the project  
 333 manager must include any relevant supplemental bidder  
 334 responsibility criteria in the bid document as provided for in KMC  
 335 3.85.085(c)(1).

336 (b) The city manager may request that the city council authorize a call  
 337 for bids for ~~goods, services or~~ public works estimated to have a total  
 338 cost of more than ~~seventy-five~~ fifty thousand dollars, which must be  
 339 executed by the city manager or his/her designee.

340 (c) Bids received by the published due date and time shall be accepted  
 341 without alteration or correction. Award shall be made to the lowest  
 342 responsible bidder based on the requirements set forth in the IFB.

343 (1) In accordance with RCW 39.04.350, the evaluation of bids  
 344 for public work projects must include verification that the bidder  
 345 meets mandatory bidder responsibility criteria and any  
 346 supplemental bidder responsibility criteria, and a written  
 347 declaration from the bidder verifying under penalty of perjury the  
 348 bidder is in compliance with the responsible bidder criteria  
 349 requirements for wage and labor standards in Chapters 49.46,  
 350 49.48, and 49.52 RCW.

351 (2) In accordance with RCW 35.23.352(2), award may be made  
 352 to the second lowest bidder where such bid is within five percent  
 353 of the lowest bid, meets the same bidder criteria as the lowest  
 354 bid, and the city issues a written finding that the lowest bidder  
 355 has delivered a project to the city within the last three years that  
 356 was late, over budget, or did not meet specifications, and the city  
 357 does not find, in writing, that such bidder has shown how they  
 358 would improve performance to be likely to meet project  
 359 specifications.

360 (~~e-d~~) Bids shall be opened and read publicly at the time and place  
 361 designated in the IFB notice.

362 (~~d-e~~) The name and address of each bidder, the bid price and any other  
 363 relevant information as may be specified in the IFB shall be read aloud  
 364 and recorded in the minutes of the bid opening.

365 (e-f) It shall also be announced that the bid review will be completed by  
 366 city staff and the expected date given when the city council shall meet  
 367 to award the contract.

368 (~~f~~) ~~The IFB shall specify the city's right to postpone the award of the~~  
 369 ~~contract or to reject any or all bids.~~

370 (g) The city council will award all contracts for goods, ~~routine services~~  
 371 ~~or~~ public works ~~that are determined to be more than fifty thousand~~  
 372 ~~dollars~~ valued over three hundred fifty thousand dollars. All other  
 373 contracts for public works solicited through an IFB process may be  
 374 awarded by the city manager/designee, or the city manager may elect  
 375 to recommend award of the contract by the city council. Upon award, all  
 376 such contracts will be executed by the city manager/designee.

377 (h) The purchase record, bid sheet, minutes of the bid opening, and  
 378 each bid, to the extent allowed by law, shall be open to public inspection  
 379 following contract award.

380



381            Section 9. A new section, to be codified as KMC 3.85.105, is  
 382 added to chapter 3.85 KMC to read as follows:

383  
 384        **3.85.105            Goods and services bid invitation, acceptance, and**  
 385 **evaluation.**

386        (a) An invitation for bids (IFB) for goods and services may be used in  
 387 cases where adequate information exists to form a complete and  
 388 realistic bid specification, where the procurement lends itself to a fixed-  
 389 price dollar amount, and where award can be made principally on the  
 390 basis of selecting the lowest responsible bidder. For goods and services  
 391 that are not a public work, the "lowest responsible bidder" is determined  
 392 by considering elements and attributes, in addition to price, as provided  
 393 under KMC 3.85.020(f).

394            (1) All goods and services awarded to other than the low bidder  
 395 must be authorized by law, documented on the bid sheet or  
 396 where appropriate and with the selection rationale clearly set  
 397 forth.

398            (2) The IFB shall specify the city's right to postpone the award  
 399 of the contract or to reject any or all bids.

400        (b) Bids for goods and services are not required to be opened in public.

401        (c) Bids for goods and services shall be opened at the time designated  
 402 in the IFB notice, and a written record shall be made of the name and  
 403 address of each bidder, the bid price, and any other relevant  
 404 information.

405        (d) All bidders shall be given reasonably prompt notification of the  
 406 expected date that the city will award the contract.

407        (e) Contracts for goods and services solicited through an IFB process  
 408 valued at one hundred thousand dollars or less may be awarded by the  
 409 city manager/designee, or the city manager/designee may elect to  
 410 recommend award by the city council. All other contracts for goods and  
 411 services solicited through an IFB process will be awarded by the city  
 412 council. Upon award, all such contracts will be executed by the city  
 413 manager/designee.

414        (f) The purchase record, bid sheet, bids, and record of the bid opening,  
 415 to the extent allowed by law, shall be open to public inspection following  
 416 contract award.

417  
 418            Section 10. KMC 3.85.110, and the corresponding portions of  
 419 Ordinance O-4402 §1 (2013) and Ordinance O-4105 § 1(2007), is  
 420 amended to read as follows:

421  
 422        **3.85.110            Request for proposal/request for qualifications.**

423        (a) A request for proposal (RFP) or request for qualifications (RFQ) shall  
 424 be used when the procurement lacks definite specifications, when  
 425 proposals are sought for the purpose of establishing a bid specification,  
 426 when the goods or services being procured involve creative design or  
 427 professional administration, and/or when subjective criteria is  
 428 considered in the contract award, which is made in the best interests of  
 429 the city.

- 430 (1) Procurements for architectural and engineering services  
 431 shall be conducted as provided for in Chapter 39.80 RCW. Either  
 432 the RFQ process or solicitations for qualifications from qualified  
 433 firms listed on the city's designated A&E roster may be used.
- 434 (b) When proposals are sought for the purpose of establishing a bid  
 435 specification, it shall so state in both the public notice and in the RFP or  
 436 RFQ.
- 437 (c) The RFP or RFQ shall identify all significant evaluation factors and  
 438 their relative weighted importance.
- 439 (d) Verbal interviews with any proposer who has submitted a proposal  
 440 may be conducted to determine the capabilities of the proposer and their  
 441 understanding of the city's needs.
- 442 (e) Contracts in excess of seventy-five ~~fifty~~ thousand dollars resulting  
 443 from the RFP or RFQ process may be awarded by and executed by the  
 444 city manager or his/her designee. The city manager/designee may elect  
 445 to recommend award of the contract by the city council.
- 446 (f) Except where prohibited by law, proposals shall be reviewed  
 447 privately with strict confidentiality regarding all evaluative factors  
 448 maintained throughout the review process. The evaluation committee  
 449 will grade all factors, with their consensus recorded on the proposal  
 450 tabulation worksheet.
- 451 (g) The purchase record, proposal tabulation worksheet and each  
 452 proposal, to the extent allowed by law, shall be open to public inspection  
 453 following contract award.

454  
 455 Section 11. KMC 3.85.130, and the corresponding portions of  
 456 Ordinance O-4402 §1 (2013) and Ordinance O-4105 §1 (2007), is  
 457 amended to read as follows:

458  
 459 **3.85.130 Bid/p Proposal acceptance and evaluation.**

460 ~~(a) Bids received by the published due date and time shall be~~  
 461 ~~unconditionally accepted without alteration or correction. Award shall be~~  
 462 ~~made to the lowest responsible bidder based on the requirements set~~  
 463 ~~forth in the IFB.~~

464 ~~(1) In accordance with RCW 39.04.350, the evaluation of bids~~  
 465 ~~for public work projects must include verification that the bidder~~  
 466 ~~meets mandatory bidder responsibility criteria and any~~  
 467 ~~supplemental bidder responsibility criteria.~~

468 ~~(b-a)~~ Proposals received by the published due date and time shall be  
 469 unconditionally accepted without alteration or correction. Submissions  
 470 shall be evaluated based on the requirements set forth in the RFP/RFQ,  
 471 which may include but are not limited to criteria to determine  
 472 acceptability such as inspection, testing, quality, workmanship, delivery,  
 473 suitability for a particular purpose, and pre-award survey of the  
 474 proposer's facilities. Those criteria that will affect the price and will be  
 475 considered in evaluation for award as determined by the city shall be  
 476 objectively measurable, including but not limited to discounts, sales tax,  
 477 transportation costs, installation costs, and total project or life cycle  
 478 costs.

479 (~~e-b~~) In addition to the foregoing, the following elements may be  
480 considered in the evaluation of proposals:

481 (1) The ability, capacity and skill of the proposer to perform the  
482 contract or provide the service required;

483 (2) The character, integrity, reputation, judgment, experience  
484 and efficiency of the proposer;

485 (3) The proposer's proposed method for assuring timely and  
486 acceptable performance of the work;

487 (4) The quality of performance by the proposer on previous  
488 contracts with the city or another public agency, including but not  
489 limited to the relative costs, burdens, time and effort necessarily  
490 expended by the city or another public agency in securing  
491 satisfactory performance;

492 (5) The previous and existing compliance by the proposer with  
493 laws relating to the contract or services;

494 (6) The proposer's management system to be applied in  
495 performing the work and the reasonableness of the resources to  
496 be applied;

497 (7) Such other information as may be secured having a bearing  
498 on the decision to award the contract.

499 (~~d-c~~) A committee may be selected to conduct the technical evaluation  
500 of the proposals received and shall make a recommendation for contract  
501 award to the city council based upon each of the evaluation elements in  
502 accordance with the weighted importance of each element as  
503 determined by the project manager and purchasing agent prior to the  
504 solicitation. The relative positions and evaluation points are totaled for  
505 each evaluation element or category, and the proposer with the highest  
506 overall total of evaluation points shall be recommended for contract  
507 award.

508 (~~e-d~~) After the initial tabulation of evaluated proposals, the most  
509 qualified competitor may be selected subject to negotiation of fair and  
510 reasonable compensation. When evaluating RFQs for architectural and  
511 engineering services, a qualifications-based selection process will be  
512 used and price shall not be considered as an evaluation factor in  
513 determining the most qualified proposer. Price negotiation shall be  
514 conducted with only the most qualified proposer. Failing agreement on  
515 price, negotiations with the next most qualified proposer may be  
516 conducted until a contract award can be made to the most qualified  
517 proposer whose price is fair and reasonable to the city.

518  
519 Section 12. KMC 3.85.160, and the corresponding portions of  
520 Ordinance O-4402 §1 (2013) and Ordinance O-4164 §1 (2008), is  
521 amended to read as follows:

522  
523 **3.85.160 Application.**

524 (a) Consistent with RCW 35.21.120, this chapter, with the exception of  
525 KMC 3.85.260, does not apply to solid waste collection or recycling  
526 services.

527 (b) This chapter does not apply to the procurement of civil legal services  
 528 by the city attorney, including procurement for services by attorneys,  
 529 paralegals, expert witnesses, appraisers, and court reporters. This  
 530 chapter applies to contracts for public defense and prosecution services.

531

532 Section 13. KMC 3.85.170, and the corresponding portions of  
 533 Ordinance O-4402 §1 (2013), Ordinance O-4256 §2 (2010), and  
 534 Ordinance O-4105 §1 (2007), is amended to read as follows:

535

536 **3.85.170 Small works roster process.**

537 (a) In accordance with the procedures set forth in RCW 39.04.155,  
 538 contracts for public works projects with a total cost, including applicable  
 539 taxes, between ten seven-thousand five-hundred dollars and the  
 540 threshold in dollars authorized by RCW 39.04.155(1) three-hundred  
 541 thousand dollars may be awarded using the small works roster process.

542 (b) The limited public works process as defined in RCW 39.04.155(3)  
 543 may also be used for projects estimated to cost less than thirty-five  
 544 thousand dollars the threshold in dollars authorized by RCW  
 545 39.04.155(3). Using this process, quotes are solicited from a minimum  
 546 of three contractors found in the appropriate category of work in the  
 547 small works roster. The performance bond and payment bond  
 548 requirements and/or retainage requirements may be waived by the city.

549 (c) Quotations may be invited from all appropriate contractors on the  
 550 appropriate small works roster. As an alternative, quotations may be  
 551 invited from at least five contractors on the appropriate small works  
 552 roster who have indicated the capability of performing the kind of work  
 553 being contracted, in a manner that will equitably distribute the  
 554 opportunity among the contractors on the appropriate roster. However,  
 555 if only five quotations are sought and the estimated cost of the work is  
 556 within the range in dollars provided by RCW 39.04.155(2)(c) from one  
 557 hundred fifty thousand dollars to three hundred thousand dollars, the  
 558 city must also notify the remaining contractors on the appropriate small  
 559 works roster that quotations on the work are being sought. Such notice  
 560 must be published in a legal newspaper of general circulation, mailed to  
 561 these other contractors or sent by facsimile or other electronic means.

562 (d) At least once a year, the city shall publish in a newspaper of general  
 563 circulation within the jurisdiction a notice of the existence of the roster  
 564 or rosters and solicit the names of contractors for such roster or rosters.  
 565 Responsible contractors shall be added to an appropriate roster or  
 566 rosters at any time that they submit a written request and necessary  
 567 records.

568 (e) The city is authorized to participate with other local governments in  
 569 the use of a multijurisdictional small works roster. The lead entity for the  
 570 multijurisdictional small works roster must be clearly identified in the  
 571 interlocal agreement as being responsible for implementing the  
 572 provisions of RCW 39.04.155(2).

573 (f) A formal public bid opening is not required when using the small  
 574 works roster process. However, no interested party shall be  
 575 unreasonably denied the opportunity to be present when bids are  
 576 opened.

577 (g) Contracts for small works roster bids over ~~seventy-five~~ fifty thousand  
 578 dollars will be awarded and executed by the city manager ~~city council~~ at  
 579 ~~the next scheduled council meeting~~ following staff recommendation;  
 580 ~~unless continued by the city council.~~ The city manager/designee may  
 581 elect to recommend award of the contract by the city council.  
 582 Department directors responsible for a project are authorized to award  
 583 a contract where the total value is seventy-five thousand dollars or less.

584 (h) In accordance with RCW 39.04.200, the purchasing agent will, at  
 585 least once every year, make available to the public a list of the contracts  
 586 awarded using the small works roster process during the previous year.  
 587 The list shall contain the name of the contractor or vendor awarded the  
 588 contract, the amount of the contract, a brief description of the type of  
 589 work performed or items purchased under the contract, and the date it  
 590 was awarded. The list shall also state the location where the bid  
 591 quotations for these contracts are available for public inspection.

592 Section 14. KMC 3.85.180, and the corresponding portions of  
 593 Ordinance O-4402 §1 (2013) and Ordinance O-4105 §1 (2007), is  
 594 amended to read as follows:

595  
 596 **3.85.180 Cooperative purchasing.**

597 (a) ~~With the approval of the city council, the purchasing agent may enter~~  
 598 ~~into interlocal cooperative purchasing agreements with other public~~  
 599 ~~agencies.~~ The Director is authorized to enter into interlocal cooperative  
 600 purchasing agreements with other public agencies when any such  
 601 purchasing agreement would serve the best interests of the city of  
 602 Kirkland. The interlocal cooperative purchasing agreements must be in  
 603 accordance with the provisions set forth in Chapter 39.34 RCW as  
 604 currently written or hereafter amended.

605 (b) When purchasing off of a contract awarded by another public agency  
 606 where an interlocal cooperative purchasing agreement is in place, any  
 607 statutory obligation to provide notice for bids or proposals that applies  
 608 to the city is satisfied if the public agency or group of public agencies  
 609 that awarded the bid, proposal, or contract complied with its own legal  
 610 requirements and either posted the bid or solicitation notice on a website  
 611 established and maintained by the public agency for purposes of posting  
 612 public notice of bid or proposal solicitations or provided an access link  
 613 on the state's web portal to the notice.

614 (c) Invitations for bids for goods and services and requests for proposals  
 615 issued by the city may include notice that the city participates in  
 616 cooperative purchasing and that other public agencies may desire to  
 617 place orders against the awarded contract. Bidders/proposers may be  
 618 asked to indicate if they agree to allow orders from other public agencies  
 619 that have an interlocal cooperative purchasing agreement with the city.

620 (d) Contracts/purchase orders in excess of ~~seventy-five~~ fifty thousand  
 621 dollars resulting from the cooperative purchasing process will be  
 622 approved by the city manager or his/her designee.

623            Section 15. KMC 3.85.190, and the corresponding portions of  
 624 Ordinance O-4402 §1 (2013) and Ordinance O-4105 §1 (2007), is  
 625 amended to read as follows:

626  
 627            **3.85.190            Purchases from/through the United States**  
 628            **government.**

629            (a) In accordance with RCW 39.32.090, this chapter allows for the  
 630 purchase of supplies, materials and/or equipment from or through the  
 631 United States government without calling for competitive bids.

632            (b) The purchasing agent is responsible for reviewing the proposed  
 633 purchase to determine that the purchase is in the best interests of the  
 634 city.

635            (c) Under this section, purchases made in excess of seventy-five fifty  
 636 thousand dollars must be approved by the city manager or his/her  
 637 designee.

638            Section 16. A new section, to be codified as KMC 3.85.195, is  
 639 added to chapter 3.85 KMC to read as follows:

640  
 641            **3.85.195            Performance-based contracts for water**  
 642            **conservation, solid waste reduction, and energy equipment and**  
 643            **services.**

644            (a) In accordance with Chapter 39.35A RCW, the Director may enter  
 645 into performance-based contracts for water conservation services, solid  
 646 waste reduction services, and energy equipment and services.

647            (b) After entering into an interlocal agreement with the Washington  
 648 State Department of Enterprise Services under RCW 39.34.080,  
 649 consultants and contractors may be selected from a registry of pre-  
 650 qualified firms maintained by the Washington State Department of  
 651 Enterprise Services under RCW 39.35A.050.

652            (c) As an alternative to using the Washington State Department of  
 653 Enterprise Services registry of pre-qualified firms, the city may issue an  
 654 RFP/RFQ pursuant to RCW 39.35A.30.

655            Section 17. KMC 3.85.200, and the corresponding portions of  
 656 Ordinance O-4402 §1 (2013) and Ordinance O-4105 §1 (2007), is  
 657 amended to read as follows:

658  
 659            **3.85.200            Electronic data processing and telecommunications**  
 660            **systems.**

661  
 662            (a) Purchases of electronic data processing or telecommunications  
 663 equipment, software, or services that do not include any element of  
 664 public works are purchased as goods or services as provided in this  
 665 chapter.

666            (b) ~~The city may purchase electronic data processing or~~  
 667 ~~telecommunication equipment, software, or services. Consistent with~~  
 668 RCW 39.04.270, purchases of electronic data processing or  
 669 telecommunications equipment, software, or services that are, or  
 670 include an element of, public works under RCW 35.23.352 may be  
 671 procured through competitive negotiation rather than through

672 competitive bidding, when competitive bidding would otherwise be  
 673 required.

674 (1b) Competitive negotiation, for the purposes of this section,  
 675 shall include, as a minimum, the following requirements:

676 (A4) A request for proposal shall be prepared and  
 677 submitted to an adequate number of qualified sources,  
 678 as determined by the municipality in its discretion, to  
 679 permit reasonable competition consistent with the  
 680 requirements of the procurement. Notice of the request  
 681 for the proposal must be published in a newspaper of  
 682 general circulation in the municipality at least thirteen  
 683 days before the last date upon which proposals will be  
 684 received. The request for proposal shall identify  
 685 significant evaluation factors, including price, and their  
 686 relative importance.

687 (B2) The municipality shall provide reasonable  
 688 procedures for technical evaluation of the proposals  
 689 received, identification of qualified sources, and selection  
 690 for awarding the contract.

691 (2e) The award shall be made to the qualified bidder whose  
 692 proposal is most advantageous to the municipality with price and  
 693 other factors considered. The municipality may reject any and all  
 694 proposals for good cause and request new proposals.

695  
 696 Section 18. KMC 3.85.210, and the corresponding portions of  
 697 Ordinance O-4402 §1 (2013) and Ordinance O-4105 §1 (2007), is  
 698 amended to read as follows:

699  
 700 **3.85.210 Waiver of competitive bidding requirements.**

701  
 702 (a) The competitive bidding requirements set forth in this chapter for  
 703 goods, general services, and public works may be waived by the city  
 704 manager or designee. However, if the cost exceeds ~~seventy-five fifty~~  
 705 thousand dollars, the city manager or designee must provide the city  
 706 council with documentation of the rationale for waiving the competitive  
 707 bidding requirements. Competitive bidding requirements may be waived  
 708 for:

709 (1) Purchases that are clearly and legitimately limited to a single  
 710 source of supply;

711 (2) Purchases involving special facilities or market conditions;

712 (3) Purchases of insurance or bonds; and

713 (4) Purchases of goods, services or public works in the event of  
 714 an emergency.

715 (b) The competitive bidding requirements in this chapter may be waived  
 716 by the Director for purchases of any of the following, provided city staff  
 717 must prepare documentation of the rationale for waiving the competitive  
 718 bidding requirements hereunder:

719 (1) Captive replacement parts and components matching an  
 720 existing brand of vehicle, equipment, systems, or a substantial

721 parts inventory where compatibility is the overriding  
 722 consideration, such as an integral repair part or accessory.

723 (2) Services for the repair of durable goods, including vehicles,  
 724 machinery, and equipment.

725 (3) With IT Director approval, renewal contracts with existing  
 726 vendors for existing software services for mission-critical  
 727 applications, as defined by standard operating procedures of the  
 728 Information Technology (IT) Department, and any related,  
 729 integrated services of such existing applications.

730 (c-b) Immediately after the award of any contract under this section, to  
 731 ~~the extent allowed by law,~~ the contract and the factual basis for the  
 732 exception must be recorded and open to public inspection, to the extent  
 733 allowed by law.

734 (d-e) If an emergency exists, the city manager or designee may declare  
 735 an emergency situation exists, waive competitive bidding requirements,  
 736 and award all necessary contracts on behalf of the municipality to  
 737 address the emergency situation. If a contract is awarded without  
 738 competitive bidding due to an emergency, a written finding of the  
 739 existence of an emergency must be made by the city manager and  
 740 entered of record by reporting to the city council no later than two weeks  
 741 following the award of the contract.

742 (1-d) In accordance with RCW 39.04.020, upon the written  
 743 determination by the city manager of an emergency for the  
 744 procurement of any public work in excess of twenty-five  
 745 thousand dollars, a description and estimate of the cost of such  
 746 work shall be published within seven working days after  
 747 commencement of the work.

748 (e) For the purchase of professional services other than architectural  
 749 and engineering services at a cost of less than ~~seventy-five~~ fifty  
 750 thousand dollars, the use of a competitive process may be waived by  
 751 the department director. The rationale for waiving the use of a  
 752 competitive process must be documented and provided to the  
 753 purchasing agent prior to contract award.

754 (f) For the purchase of professional services other than architectural  
 755 and engineering services at a cost of ~~seventy-five~~ fifty thousand dollars  
 756 or more, the use of a competitive process may be waived by the city  
 757 manager or their designee prior to contract award. The rationale for  
 758 waiving the use of a competitive process must be documented and  
 759 provided to the city council.

760  
 761 Section 19. KMC 3.85.220, and the corresponding portions of  
 762 Ordinance O-4402 §1 (2013) and Ordinance O-4105 §1 (2007), is  
 763 amended to read as follows:

764  
 765 **3.85.220 Contract amendments/change orders.**  
 766

767 (a) Amendments are changes to professional service agreements,  
 768 contracts for goods, and contracts for routine maintenance.

769 (1) If an amendment increases the total value of the contract,  
 770 the contract amendment must be approved by the appropriate



771 authority based on the new value of the contract. Any  
 772 amendment that takes a contract value over ~~seventy-five~~ fifty  
 773 thousand dollars requires the approval of the city manager. The  
 774 city manager may choose to seek additional council approval.

775 (2) Contracts awarded by the council may also authorize  
 776 negotiation of amendments without further council approval  
 777 being needed.

778 (3) Amendments that do not change the total value of the  
 779 contract (e.g., extended duration) may be approved by the  
 780 department director.

781 (b) Change orders are changes made to a public works contract.

782 (1) Public Works Under ~~Seventy-Five~~ Fifty Thousand Dollars.

783 (A) Department directors or their designees are  
 784 authorized to approve public works contract change  
 785 orders where the total value of the contract plus the  
 786 change order remains below ~~seventy-five~~ fifty thousand  
 787 dollars.

788 (2) Public Works Over ~~Seventy-Five~~ Fifty Thousand Dollars.

789 (A) Change orders, cumulatively or singly, that do not  
 790 exceed the project's contingency funding may be  
 791 approved by the department director or their designee.

792 (B) Change orders that cumulatively or singly increase  
 793 the value of a contract to exceed the project's  
 794 contingency funding by ~~twenty~~ thirty-five thousand  
 795 dollars or less require the approval of the city manager.  
 796 The city manager may choose to seek additional  
 797 approval from the council.

798 (C) The council must approve change orders that  
 799 increase the value of the contract to more than ~~twenty~~  
 800 thirty-five thousand dollars beyond the project's  
 801 contingency funding.

802  
 803 Section 20. KMC 3.85.230, and the corresponding portions of  
 804 Ordinance O-4586 §1 (2017), Ordinance O-4402 §1 (2013), Ordinance  
 805 O-4111 §3 (2007), and Ordinance O-4105 §1 (2007), is amended to  
 806 read as follows:

807  
 808 **3.85.230 Bonding Policy.**

809  
 810 (a) For all public works contracts, the following minimum bonding  
 811 requirements shall be met for each procurement:

812 (1) A bid deposit in the form of a bid bond, cashier's check or  
 813 certified check in an amount equal to at least five percent of the  
 814 total bid must be submitted before the published due date and  
 815 time enclosed with the submitted sealed bid if the bid is in excess  
 816 of ~~sixty five thousand dollars or in excess of forty thousand~~  
 817 ~~dollars if only a single craft or trade is involved with the public~~  
 818 ~~works~~ the thresholds in dollars authorized by RCW 35.23.352(1)

819 or the public works project is for street signalization or street  
820 lighting.

821 (2) A performance bond and a payment bond for one hundred  
822 percent of the total contract price shall be received from the  
823 successful contractor prior to contract execution for all contracts  
824 except as otherwise provided for in this section. The surety  
825 issuing the bond must have an A. M. Best financial strength  
826 rating of A- or better. If the surety does not have an A. M. Best  
827 rating of at least A-, the city's risk/safety analyst is to be  
828 consulted prior to approval.

829 (b) On public works contracts of ~~one hundred fifty thousand dollars or~~  
830 ~~less a value equal to or less than the threshold in dollars authorized by~~  
831 RCW 39.08.010, at the option of the contractor, the city may, in lieu of a  
832 performance and payment bond, retain ten percent of the contract  
833 amount for a period of thirty days after date of final acceptance, or until  
834 receipt of all necessary releases from the Department of Revenue and  
835 settlement of any liens fixed under Chapter 60.28 RCW, whichever is  
836 later. The recovery of unpaid wages and benefits must be the first  
837 priority for any actions filed against any such retained amounts. The  
838 option to retain ten percent of the contract amount in lieu of a  
839 performance and payment bond does not eliminate the requirement for  
840 a bid deposit under KMC 3.85.230(a)(1) and is in addition to any  
841 retainage required by RCW 60.28.011.

842 (c) If the limited public works process allowed under Section 3.85.170(b)  
843 is used, the city may waive the requirements for performance and  
844 payment bonds and/or retainage.

845 (d) The purchasing agent, in consultation with the project manager, city  
846 attorney's office and risk/safety analyst as needed, shall have authority  
847 to determine amounts of protective bid guarantees for all purchases in  
848 the best interests of the city.

849  
850 Section 21, KMC 3.85.260, and the corresponding portions of  
851 Ordinance O-4841 §1 (2023), is hereby amended to read as follows:

852  
853 **3.85.260 Compost Products Procurement.**  
854

855 (a) Prior to the issuance of a solicitation for bids or proposals, affected  
856 departments shall consider whether compost products can be utilized in  
857 connection with a city project. When such products can be utilized, their  
858 procurement shall be a required element of any solicitation issued  
859 pursuant to this chapter and in accordance with its terms.

860 (b) Affected departments shall plan for the use of compost products in  
861 the following categories:

- 862 (1) Landscaping projects;
- 863 (2) Construction and postconstruction soil amendments;
- 864 (3) Applications to prevent erosion, filter stormwater runoff,  
865 promote vegetation growth, or improve the stability and longevity  
866 of roadways; and

867 (4) Low-impact development and green infrastructure to filter  
868 pollutants or keep water on-site, or both.

869 (c) Notwithstanding subsections (a) and (b) of this section, the city is  
870 not required to use compost products if:

871 (1) Compost products are not available within a reasonable  
872 period of time;

873 (2) Compost products that are available do not comply with  
874 existing procurement standards;

875 (3) Compost products that are available do not comply with  
876 federal, state, or local health, quality, and safety standards; or

877 (4) Compost product purchase prices are not reasonable or  
878 competitive.

879 (d) The city shall give priority to purchasing compost products that:

880 (1) Produce compost products locally;

881 (2) Are certified by a nationally recognized organization, such  
882 as the United States Composting Council; and

883 (3) Produce compost products that are derived from municipal  
884 solid waste compost programs and meet quality standards  
885 adopted by the Washington departments of transportation or  
886 ecology.

887 (e) The city manager or designee shall develop and implement  
888 education and outreach strategies to inform community members about  
889 the value of compost products and how the city uses compost in its  
890 operations.

891 (f) By December 31, 2024, and each December 31st of even-numbered  
892 years thereafter, the city manager or designee shall submit a report  
893 covering the previous year's compost products procurement activities to  
894 the Washington department of ecology containing the following  
895 information:

896 (1) The total tons of organic materials diverted;

897 (2) The volume and costs of compost products purchased; and

898 (3) The source or sources of the compost products.

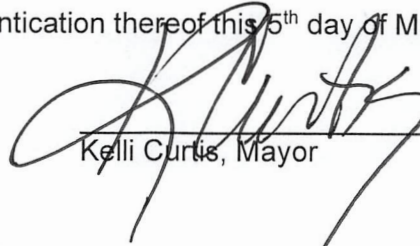
899 Nothing in this section limits the ability to enter into collective purchasing  
900 agreements for compost products if doing so is more cost-effective or  
901 efficient.

902 Section 22. If any provision of this ordinance or its application to  
903 any person or circumstance is held invalid, the remainder of the  
904 ordinance or the application of the provision to other persons or  
905 circumstances is not affected.


906 Section 23. This ordinance shall be in force and effect five days  
907 from and after its passage by the Kirkland City Council and publication  
908 pursuant to Section 1.08.017, Kirkland Municipal Code in the summary  
909 form attached to the original of this ordinance and by this reference  
910 approved by the City Council.

911 Passed by majority vote of the Kirkland City Council in open  
912 meeting this 5<sup>th</sup> day of March, 2024.

913 Signed in authentication thereof this 5<sup>th</sup> day of March, 2024.

  
\_\_\_\_\_  
Kelli Curtis, Mayor

Attest:

  
\_\_\_\_\_  
Kathi Anderson, City Clerk

Publication Date: March 13, 2024

Approved as to Form:

  
\_\_\_\_\_  
Kevin Raymond, City Attorney

PUBLICATION SUMMARY  
OF ORDINANCE NO. 4861

AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING CHAPTER  
3.85 OF THE KIRKLAND MUNICIPAL CODE RELATING TO  
PURCHASING.

- 1           SECTION 1. Amends Kirkland Municipal Code (KMC) Section  
2 3.85.020 updating the definitions related to purchasing.  
3
- 4           SECTION 2. Amends KMC Section 3.85.030 related to  
5 administrative responsibility of City purchasing.  
6
- 7           SECTION 3. Amends KMC Section 3.85.040 related to City  
8 procurement standards.  
9
- 10          SECTION 4. Amends KMC Section 3.85.070 related to City  
11 procurement methods.  
12
- 13          SECTION 5. Amends KMC Section 3.85.080 related to small  
14 purchase procedures.  
15
- 16          SECTION 6. Amends KMC Section 3.85.085 related to public  
17 work bidding requirements.  
18
- 19          SECTION 7. Amends KMC Section 3.85.090 related to the  
20 procedures for invitations for bids and requests for proposals.  
21
- 22          SECTION 8. Amends KMC Section 3.85.090 related to the  
23 public works bid invitation, acceptance, and evaluation procedures.  
24
- 25          SECTION 9. Adds a new KMC Section 3.85.105 related to the  
26 goods and services bid invitation, acceptance, and evaluation process.  
27
- 28          SECTION 10. Amends KMC Section 3.85.110 related to the  
29 process for using a request for proposal or request for qualifications.  
30
- 31          SECTION 11. Amends KMC Section 3.85.130 related to the  
32 procedures for requests for proposals and requests for qualifications.  
33
- 34          SECTION 12. Amends KMC Section 3.85.160 related to the  
35 application of the chapter.  
36
- 37          SECTION 13. Amends KMC Section 3.85.170 related to the  
38 small works roster process.  
39
- 40          SECTION 14. Amends KMC Section 3.85.180 related to  
41 cooperative purchasing.  
42
- 43          SECTION 15. Amends KMC Section 3.85.190 related to  
44 purchases made from or through the United States government.  
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SECTION 16. Adds a new KMC Section 3.85.195 related to performance-based contracts for water conservation, solid waste reduction, and energy equipment and services.

SECTION 17. Amends KMC Section 3.85.200 related to purchases of electronic data processing and telecommunications systems.

SECTION 18. Amends KMC Section 3.85.210 related to the waiver of competitive bidding requirements.

SECTION 19. Amends KMC Section 3.85.220 related to contract amendments and change orders.

SECTION 20. Amends KMC Section 3.85.230 related to public works contracts bonding policy.

SECTION 21. Amends KMC Section 3.85.260 related to procurement of compost products.

SECTION 22. Provides a severability clause for the ordinance.

SECTION 23. Authorizes publication of the ordinance by summary pursuant to KMC 1.08.017 and establishes the effective date as five days after publication of 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 meeting on the 5<sup>th</sup> day of March, 2024.

I certify that the foregoing is a summary of Ordinance O-4861 approved by the Kirkland City Council for summary publication.

  
Kathi Anderson, City Clerk