CITY OF REDMOND
RESOLUTION NO. 1503

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, REVISING PROCUREMENT POLICIES AND ESTABLISHING CONTRACT APPROVAL AUTHORITY, AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City Council desires to consolidate the City's various rules and regulations governing procurements into a single resolution to bring the policies in line with state statute and to maintain clarity and transparency for the City's procurement policies; and

WHEREAS, Redmond is a code city operating under the Revised Code of Washington (RCW) Chapter 35A; and

WHEREAS, there are no statutory bidding requirements for Redmond as a code city, when purchasing supplies, equipment, materials or services not used in connection with a public work or improvement; and

WHEREAS, the City desires to allow certain contracts to be awarded by a consultant roster process for architectural and engineering services pursuant to RCW 39.80 and by a small works roster process for public work pursuant to RCW 39.04.155; and

WHEREAS, in order to implement the small works roster process of RCW 39.04.155, the City is required by law to adopt a resolution establishing specific procedures; and

WHEREAS, the City desires to provide for the award of public works contracts in the event of an emergency; and

WHEREAS, the City desires to establish authority for the award of sole source contracts; and

WHEREAS, the City desires to establish authority for the award of intergovernmental agreements; and

WHEREAS, consolidating and adopting changes to the procurement policies will ease the administration of procurement efforts; and

WHEREAS, the City Council now desires to institute the revised purchasing policies.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Bidding Thresholds and Authority. Purchases shall be made in accordance with the following:

1. For purchases of Operating Supplies and Equipment:

Purchases in an amount of ten thousand dollars ($10,000) or less shall not require competitive bidding. Purchases in an amount exceeding ten thousand dollars ($10,000) and up to two hundred thousand dollars ($200,000) shall require written quotations from at least three (3) different vendors to assure that competition is established. Purchases exceeding two hundred thousand dollars ($200,000) shall require a formal bidding process. The Mayor, or

designee, may waive the competitive process; the rationale for waiving the use of a competitive process must be documented and provided to the Purchasing Department prior to contract award. The Mayor, or designee, shall execute such contracts.

2. For purchases of Operating Services, Repair and Maintenance, and General Services:

Purchases in an amount of ten thousand dollars ($10,000) or less shall not require competitive bidding. Purchases in an amount exceeding ten thousand dollars ($10,000) and up to fifty thousand dollars ($50,000) shall require written quotations from at least three (3) different vendors to assure that competition is established. Purchases exceeding fifty thousand dollars ($50,000) shall require a formal bidding process. The Mayor, or designee, may waive the competitive process; the rationale for waiving the use of a competitive process must be documented and provided to the Purchasing Department prior to contract award. The Mayor, or designee, shall execute such contracts.

3. For purchases of Professional Services (excluding Architectural and Engineering Services) and Professional Technology Services as defined in RCW 39.04.270:

Purchases in an amount of ten thousand dollars ($10,000) or less shall not require competitive bidding. Purchases in an amount

exceeding ten thousand dollars ($10,000) and up to fifty thousand dollars ($50,000) shall require written quotations from at least three (3) different vendors to assure that competition is established. Purchases exceeding fifty thousand dollars ($50,000) shall require a formal bidding process. The Mayor, or designee, may waive the competitive process; the rationale for waiving the use of a competitive process must be documented and provided to the Purchasing Department prior to contract award. For purchases of Professional Technology Services, in accordance with RCW 39.04.270, a formal bidding process is required if a vendor is chosen by competitive negotiation rather than competitive bidding. The Mayor, or designee, shall execute such contracts up to fifty thousand dollars ($50,000). The City Council shall award such contracts that exceed fifty thousand dollars ($50,000).

4. For purchases of Instructional/Artistic Services:

Purchases in an amount of ten thousand dollars ($10,000) or less shall not require competitive bidding. Purchases in an amount exceeding ten thousand dollars ($10,000) and up to seventy-five thousand dollars ($75,000) shall require written quotations from at least three (3) different vendors to assure that competition is established. Purchases exceeding seventy-five thousand dollars ($75,000) require a formal bidding process. The Mayor, or designee,

may waive the competitive process; the rationale for waiving the use of a competitive process must be documented and provided to the Purchasing Department prior to contract award. Purchases in an amount exceeding twenty-five thousand dollars ($25,000) are required to have a cost recovery component, whereby the City recoups its costs through class registrations or other user fees. The Mayor, or designee, shall execute such contracts up to seventy-five thousand dollars ($75,000). The City Council shall award such contracts that exceed seventy-five thousand dollars ($75,000).

5. For purchases of Architectural and Engineering Services:

The Mayor, or designee, may contract with an entity that provides roster services and adopt for City use a shared electronic database that maintains a consultant roster for architectural and engineering services, in accordance with the requirements of RCW 39.80. Firms or persons providing such professional services shall be added to the appropriate roster(s) at any time that they submit a written request and the necessary records.

Purchases in an amount of ten thousand dollars ($10,000) or less shall require a review of at least one (1) Statement of Qualification. Purchases exceeding ten thousand dollars ($10,000) shall require an evaluation of at least three (3) Statements of Qualification from the City's consultant roster, or a formal bidding

process, in accordance with RCW 39.80. The Mayor, or designee, shall execute such contracts up to fifty thousand dollars ($50,000). The City Council shall award such contracts that exceed fifty thousand dollars ($50,000).

6. For purchases of Public Works:

Competitive bidding is not required for purchases up to forty thousand dollars ($40,000) if a single craft or trade is involved, or up to sixty-five thousand dollars ($65,000) if more than one craft or trade is involved, or the current statutory bid limits pursuant to RCW 35.23.352. The Mayor, or designee, shall execute and accept such contracts up to forty thousand dollars ($40,000) for a single craft or trade, or up to sixty-five thousand dollars ($65,000) for multiple crafts or trades, or the current statutory bid limits pursuant to RCW 35.23.352.

Pursuant to Section 2 of this resolution, and in accordance with the current statutory bid limit in effect for RCW 39.04.155, purchases up to three hundred thousand dollars ($300,000) may be made using the small works roster process, or by a formal bidding process. Purchases exceeding three hundred thousand dollars ($300,000) shall require a formal bidding process. The Mayor, or designee, shall execute and accept such contracts up to three hundred thousand dollars ($300,000). The City Council shall award

and accept such contracts that exceed three hundred thousand dollars ($300,000).

The Mayor, or designee, shall have the authority to execute change orders for public works contracts. For public works contracts that exceed three hundred thousand dollars ($300,000), the Mayor or designee may, in his or her discretion, submit a change order for approval to the City Council when the cumulative change orders on the contract would exceed ten percent (10%) of the original contract amount.

7. For contract renewals:

Contract renewals shall not require competitive bidding if the original agreement contained a renewal provision. The Mayor, or designee, shall execute such contract renewals. If the original agreement did not contain a renewal provision, bidding and authority requirements shall be followed in accordance with the thresholds specified in this resolution for the applicable purchase type and amount.

Section 2. Small Works Roster. The Mayor, or designee, may contract with an entity that provides roster services and adopt for City use a shared electronic database that maintains a small public works roster in accordance with the requirements of RCW 39.04.155. The following small works roster procedures are

established for use by the City pursuant to the procedures then in effect for RCW 39.04.155:

1. Cost. The City need not comply with formal sealed bidding procedures for the construction, building, renovation, remodeling, alteration, repair, or improvement of real property where the estimated cost does not exceed three hundred thousand dollars ($300,000), or the current statutory bid limit set forth in RCW 39.04.155. Instead, the City may use the small works roster procedures for public works projects as set forth herein. The breaking of any project into units or accomplishing any projects by phases is prohibited if it is done for the purpose of avoiding the maximum dollar amount of a contract that may be let using the small works roster process.

2. Number of Rosters. The City may create a single general small works roster, or may create a small works roster for different specialties or categories of anticipated work. The City may also use other electronic rosters through an intergovernmental agreement with an entity that provides roster services. The small works rosters may make distinctions between contractors based upon different geographic areas served by the contractor.

3. Contractors on Small Works Roster(s). The small works roster(s) shall consist of all responsible contractors who have

requested to be on the roster(s), and where required by law are properly licensed or registered to perform such work in this state. Contractors desiring to be placed on a roster must comply with all roster requirements and maintain current records of any applicable licenses, certifications, registrations, bonding, insurance, and other information on file with the roster. Responsible contractors shall be added to an appropriate roster at any time that they submit a written request and the necessary records. The City may require master contracts to be signed that become effective when a specific award is made using a small works roster.

4. Publication. At least once a year, the City, or an entity that provides roster services on behalf of the City, shall publish in a newspaper of general circulation within the jurisdiction a notice of the existence of the roster(s) and solicit the names of contractors for such roster(s).

5. Telephone, Written, or Electronic Quotations. The City shall obtain telephone, written, or electronic quotations from contractors on the appropriate small works roster to assure that a competitive price is established, using the rules and procedures defined in RCW 39.04.155. Quotations may be invited from all appropriate contractors on the appropriate small works roster. As an alternative, quotations may be invited from at least five (5)

contractors on the appropriate small works roster who have indicated the capability of performing the kind of work being contracted, in a manner that will equitably distribute the opportunity among the contractors on the appropriate roster. If the estimated cost of the work is from one hundred and fifty thousand dollars ($150,000) to three hundred thousand dollars ($300,000), or the current statutory limits set forth in RCW 39.04.155, the City may choose to solicit bids from less than all the appropriate contractors on the appropriate small works roster but must notify the remaining contractors on the appropriate small works roster that quotations on the work are being sought. Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry.

6. Limited Public Works Process. If a work, construction, alteration, repair, or improvement project is estimated to cost less than thirty-five thousand dollars ($35,000), or the current statutory bid limit then in effect, the City may award such a contract using the limited public works process provided under RCW 39.04.155(3). For limited public works projects, the City shall solicit electronic or written quotations from a minimum of three (3) contractors from the appropriate small works roster. The City may waive the payment and performance bond requirements of RCW 39.08

and the retainage requirements of RCW 60.28, thereby assuming the liability for the contractor's nonpayment of laborers, mechanics, subcontractors, materialmen, suppliers, and taxes imposed under Title 82 RCW that may be due from the contractor for the limited public works project. However, the City shall have the right of recovery against the contractor for any payments made on the contractor's behalf.

7. Award. The City shall award all contracts to the lowest responsible bidder as defined in RCW 39.04.010 and RCW 39.04.350. The City reserves the right to reject any and all bids. In accordance with these small works roster procedures, the Mayor, or designee, shall execute and accept such contracts up to three hundred thousand dollars ($300,000), or the current statutory bid limit in effect for RCW 39.04.155.

Section 3. Competitive Bidding Exemptions. In accordance with RCW 39.04.280, occasions may arise where competition among potential vendors is not required, including:

1. Emergencies. In the event of an emergency as defined in RCW 39.04.280, the Mayor, or designee, shall declare an emergency situation exists, waive competitive bidding requirements, and award all necessary contracts on behalf of the City to address the emergency situation. An "emergency" means any unforeseen

circumstance beyond the control of the City that either: (a) presents a real, immediate threat to the proper performance of essential functions; or (b) will likely result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken. If a contract is awarded without competitive bidding due to an emergency, a written finding of the existence of an emergency must be made by the City Council or the Mayor and duly entered of record no later than two (2) weeks following the award of the contract.

2. Sole Source. As defined in RCW 39.04.280, sole source procurements may be made without soliciting other bids or quotations when: (a) the purchase is clearly and legitimately limited to a single supplier; or (b) there are special facilities or market conditions that result in only one source. The rationale for waiving the use of a competitive process due to a sole source procurement must be documented and provided to the Purchasing Department prior to contract award. The Mayor, or designee, shall execute sole source contracts up to fifty thousand dollars ($50,000). The City Council shall award sole source contracts that exceed fifty thousand dollars ($50,000).

Section 4. Intergovernmental Agreements. Pursuant to RCW 39.34, the City may enter into intergovernmental agreements with

other localities. In accordance with RCW 39.34.040, all intergovernmental agreements must be listed on the City's website or other electronically retrievable public source.

1. Cooperative Purchasing Agreements. Under RCW 39.34, the City may make purchases using another agency's purchasing contract, in the interest of cooperatively sharing resources. The City may piggyback on other local, state, and federal contracts, as well as various purchasing consortiums, which shall satisfy the City's own bidding requirements. The Mayor, or designee, shall execute cooperative purchasing agreements.

2. Interlocal and Interagency Agreements. Under RCW 39.34, the City may contract with other public agencies to perform governmental activities and deliver public services. The City Council shall award interlocal and interagency agreements.

Section 5. Severability. If any section, sentence, clause or phrase of this resolution should be held to be invalid or unconstitutional by a court or competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause, or phrase of this resolution.

Section 6. Effective Date. This resolution will be effective immediately upon passage.

Section 7. Repeal. Resolution No. 1155 of the City of Redmond, passed by the City Council on September 3, 2002, is hereby repealed. Resolution No. 1344 of the City of Redmond, passed by the City Council on November 16, 2010, is hereby repealed. Resolution No. 1376 of the City of Redmond, passed by City Council on July 17, 2012, is hereby repealed. Resolution No. 1494 of the City of Redmond, passed by City Council on January 16, 2018, is hereby repealed.

ADOPTED by the Redmond City Council this 18th day of September, 2018.

APPROVED:

JOHN MARCHIONE, MAYOR

ATTEST:

MICHELLE M. HART, MMC, CITY CLERK (SEAL)

FILED WITH THE CITY CLERK: September 4, 2018
PASSED BY THE CITY COUNCIL: September 18, 2018
RESOLUTION NO: 1503

YES: ANDERSON, BIRNEY, CARSON, MARGESON, MYERS, PADHYE
NO: FIELDS