

CLEARANCES	Initial	Date	Date Received in Council Office:	Agenda date	Assigned to:
Originator: Jeffrey M. Monsen	Jm	6/19/97	RECEIVED JUN 25 1997 WHATCOM COUNTY COUNCIL	July 1	Introduction
Division Head:				7/15/97	Hearing
Dept. Head:	Jm	6/19			
Prosecutor:	K.F.	6/19			
Purchasing/Budget:					
Executive:	PH	6-24			

SUBJECT:

Establishment of the Small Works Roster contracting process

ATTACHMENTS:

Cover memo, with attachments
Ordinance

SUMMARY STATEMENT:

Please complete sections of box as appropriate & explain the item below.

Related County contract #:	Should Clerk schedule a hearing? NO / / YES / X / Requested date:
Amount budgeted for this item/project:	Is it (or will it be) within budget? YES / / NO / / (Please explain below)
Budget line item number(s):	

The proposed amendment to Whatcom County Code 3.08, Purchasing System, would allow the utilization of the Small Works Roster contracting process for public works projects valued under \$100,000, as provided for in State Law.

ORIGINATOR'S RECOMMENDED ACTION:

Adoption of the Ordinance.

COMMITTEE ACTION TAKEN:

COUNCIL ACTION TAKEN:

1997 - 247 7/1/97: Introduced
7/15/97: Adopted 5 - 0, Nelson absent, Starkenburg abstained.
Ord. #97-034

Ordinance or Resolution Number (this item only):

Ord. #97-034

1 (6/17/97)

2 SPONSORED BY: Consent
3 PROPOSED BY: Public Works
4 INTRODUCTION DATE: 7/1/97

5
6 ORDINANCE NO. 97-034

7
8 IN THE MATTER OF AMENDING WCC 3.08,
9 PURCHASING SYSTEM, TO INCORPORATE THE PROVISIONS OF
10 RCW 39.04.155, SMALL WORKS ROSTER CONTRACT AWARD PROCESS

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13 WHEREAS, RCW 39.04.155 provides for a Small Works Roster contract award
14 process as an alternate process in lieu of the requirements for formal sealed bidding; and,


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16 WHEREAS, RCW 36.32.250 allows Counties to adopt the Small Works Roster
17 provisions for Public Works projects with an estimated value of ten thousand dollars up to one
18 hundred thousand dollars; and,

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20 WHEREAS, on July 15, 1997, a public hearing was held to consider the proposed
21 amendments to Whatcom County Code 3.08.

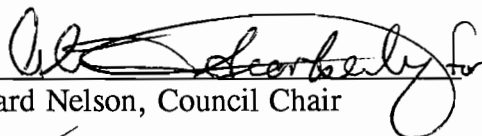
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23 NOW, THEREFORE, BE IT ORDAINED, that Whatcom County Code 3.08,
24 Purchasing System, be hereby amended as shown in Exhibit "A" attached hereto.

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27 ADOPTED this 15 day of July, 1997.

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32 ATTEST:

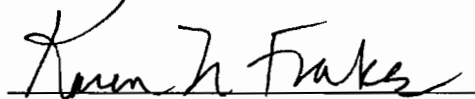
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36 Dana Brown-Davis, Council Clerk

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WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

L. Ward Nelson, Council Chair

APPROVED AS TO FORM:

Approved Denied


Civil Deputy Prosecuting Atty.

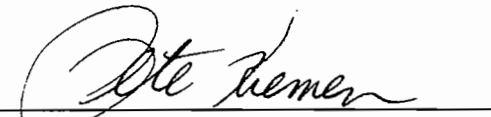

Pete Kremen, County Executive
Date: 7-17-97

EXHIBIT "A"

Chapter 3.08
PURCHASING SYSTEM

Sections:

- 3.08.010 Purpose.
- 3.08.020 Administration.
- 3.08.030 Authority and functions.
- 3.08.040 Price quotations.
- ~~3.08.050 Vendor lists.~~
- 3.08.060 Bids and proposals required.
- 3.08.070 Contractor's bond required for public works.
- 3.08.080 Labor and material claims.
- 3.08.090 Bid specifications, deposits and awards.
- 3.08.095 Small Works Roster Contract Award Process
- 3.08.100 Council approval required.
- 3.08.110 Unregistered or unlicensed contractors prohibited.
- 3.08.120 Joint purchasing.
- 3.08.130 Amendments to chapter.
- 3.08.140 Severability.

3.08.010 Purpose.

It shall be the purpose of this chapter to establish a purchasing system to work with all county departments, agencies, boards and commissions, and other operations of the county to ensure efficiency in procurement of supplies and equipment of the necessary quality at the lowest possible cost; to ensure compliance with purchasing statutes, regulations, policies and procedures; to ensure efficient utilization of county property, new and used; and to minimize employee time devoted to purchasing functions. (Ord. 93-042 Exh. H).

3.08.020 Administration.

The director of the administrative services department shall have full authority and responsibility for the operation of the purchasing system under the direction of the county executive. (Ord. 93-042 Exh. H).

3.08.030 Authority and functions.

A. The authority to recommend and implement administrative policies and procedures that provide a comprehensive basis for purchasing functions shall fall under the purview of the purchasing system.

B. The following responsibilities shall be coordinated through the purchasing system:

1. Continue to improve services to departments and agencies in the area of purchasing.

2. Develop automated requisition and reporting systems.

3. Improve purchasing productivity and control for all departments.
4. Standardize high volume purchases.
5. Centralize and execute printing orders from departments.
6. Develop efficient policies and procedures for acquiring goods and services.
7. Implement inventory controls and minimize costs of goods and services.
8. Submit an annual report on the status of county-owned inventories. The report may include recommendations for improved standardization and high volume purchasing.
9. Prepare and make available to all departments standardized forms for requisitions, vouchers, inventories and any other form required for county operations.
10. Assign purchase order numbers for every transaction wherein the county acquires supplies, materials, equipment or contract rights in property or public works.
11. Annually publish in a newspaper of general circulation within Whatcom County a notice of the existence of vendor lists. Solicit the names of vendors for the lists.
12. Secure telephone and/or written quotations from enough vendors to assure establishment of a competitive price.
13. Award contracts for the purchase of materials, equipment or services involving amounts not exceeding \$10,000.
14. Whenever practical, contact at least three vendors to assure competitive pricing.
15. When the amount of any transaction exceeds \$10,000, the division, unless otherwise provided by law, shall be responsible for the review and approval of specifications and the preparation of invitations to bid pursuant to provisions set forth in this chapter.
16. Bids shall be checked for accuracy and/or compliance with specifications and invitation to bid.
17. Make bid recommendations on all bid awards to the county executive.
18. Perform such other duties as may be required to further the purposes of this Chapter. (Ord. 93-042 Exh. H).

3.08.040 Price quotations.

Whenever practical, price quotations from at least three vendors shall be solicited for contracts and purchases or leases of supplies, materials or equipment involving amounts not exceeding \$10,000 in a single transaction. Records of all quotations obtained shall be maintained and shall be open to public inspection. (Ord. 93-042 Exh. H).

~~3.08.050 Vendor lists:~~

~~At least once per year a notice of the existence of vendor lists shall be published in a newspaper of general circulation within the county. The notice shall also solicit names of vendors for the lists. (Ord. 93-042 Exh. H):~~

3.08.060 Bids and proposals required.

Bids or proposals must be submitted in response to specifications and invitations to bid for all contracts and purchases or leases of supplies, materials or equipment involving funds of \$10,000

or more except as follows:

1. Professional consulting services of \$10,000 or more shall be made upon a call for bids, proposals, or statements of qualification, except in the case of an emergency declared by the county executive, or when the acquisition of such services is from another public entity, or when the county council, upon recommendation of the county executive, finds that a waiver of the bid requirement will be in the best interest of Whatcom County. "Professional consulting services" includes, but is not limited to, services from lawyers, architects, engineers, labor relations consultants, and computer specialists.

2. In regard to contracts with architectural and engineering services, this section shall supplement the provisions of Chapter 39.80 RCW and not be in lieu thereof.

3. Repairs for less than \$20,000 on equipment necessary to complete a project and intergovernmental transfers of property shall not be required to go through competitive bidding. However, should either the repair or the property transfer be for \$25,000 or more, it shall require council approval.

4. Sole source purchases shall not be required to go through competitive bidding. A purchase may be determined to be sole source by the county executive or designee when the bidding process would be futile because only one bidder could respond to the invitation.

5. In the event of an emergency when the public interest or property of the county would suffer material injury or damage by delay, upon an order of the county executive declaring the existence of such emergency and reciting the facts constituting same, the requirements governing competitive bids with reference to any purchase or contract may be waived pursuant to RCW 36.32.270. (Ord. 93-042 Exh. H).

6. Public Works projects involving funds less than \$100,000 may be completed utilizing the Small Works Roster Contract Award Process.

3.08.070 Contractor's bond required for public works.

A. The county shall require from a successful bidder a contractor's bond in the amount and with the conditions imposed by law.

B. On contracts of \$25,000 or less, Whatcom County may, where 50 percent of the contract amount is retained for a period of 30 days after date of final acceptance (providing all necessary releases from the tax commission and the Department of Labor and Industries have been received) dispense with the requirement of a contractor's bond, as permitted by state law.

C. When required, the contractor's bond shall be a good and sufficient bond, with two or more sureties, or with a surety company duly and currently licensed to engage in surety bonding business in the state of Washington. Such bond shall conform to RCW 39.08.010.

D. The contractor's bond shall be payable to the county of Whatcom, state of Washington. The conditions of the contractor's bond shall include:

1. The faithful performance of the contract; and
2. The faithful payment of all laborers, mechanics, subcontractors, materialmen, and persons who supply such laborers, mechanics, subcontractors, or materialmen with provisions and supplies for carrying on such work.

E. The contractor's bond is to be approved and filed with the original contract document within 10 days (exclusive of the date of notice) after notice of award. (Ord. 93-042 Exh. H).

3.08.080 Labor and material claims.

A. Notice Required to Create Lien Against Retainage. Every person performing labor or furnishing supplies toward the completion of a contract for public improvements or work by the county other than for professional services shall have a lien upon the retainage reserved; provided, such notice of the lien of such claimant has been given in the manner and within the time provided in RCW 39.08.030 through 39.08.060 as now existing and in accordance with any amendments that may be made thereto.

B. Special Notice Required for Suppliers to Bind Retainage. Every laborer, mechanic, subcontractor, materialman and person who supplies such persons with provisions and supplies for carrying on contract work for the county shall have a right of action against the contractor's bond; provided, that within 45 days from and after the completion of the contract with an acceptance of the work by the affirmative action of the county council, county executive, county engineer, or other officer acting for the county, the lien claimant, or person claiming to be entitled to a lien, present to and file with the county a notice of claim of lien in compliance with the requirements of RCW 39.08.030 and RCW 60.28.011.

C. Special Provision of Claims Not Timely Filed. Whenever the county has entered into a contract for the construction of any public improvement for the benefit of the county, whereby the contractor agreed to furnish all labor, material and supplies necessary for the improvement, and the contractor has proceeded with such improvement and procured from other persons labor, material, or supplies and used the same in the construction of the improvement, but has failed to pay such persons therefor, and such persons have filed claims therefor against the county, and the claims have been audited in the manner provided by law and found to be just claims against the county, and valid obligations of the county except for the fact that they were not filed within the time provided by law, the county council may provide funds sufficient therefor, and cause the payment of such claims in the manner provided by law for the payment of valid claims against the county. (Ord. 93-042 Exh. H).

3.08.090 Bid specifications, deposits and awards.

A. In developing specifications for bids or proposals, all reasonable efforts shall be made to ensure that a variety of vendors shall be capable of fulfilling the stated requirements of the county. Performance considerations shall be included in the specifications. However, nothing in this section shall be construed to limit the county from pursuing sole source procurement where adequate justification has been presented that such procurement is in the best interests of county operations.

B. When the amount of any contract, purchase or lease exceeds \$10,000, the administrative services department shall be responsible for the review and approval of specifications and the preparation of invitations to bid pursuant to provisions set forth in this chapter.

C. No warrants shall be issued for the purchase or lease of capital outlay equipment (nor a lease period extended or purchase-option exercised) unless authorized by the director of the administrative services department or designee.

D. All bid specifications for public works, leases, or purchases prepared under the provisions of this chapter shall be in writing and placed on file for public inspection.

E. An advertisement that written specifications are on file and available for public inspection shall be published in the official county newspaper. Advertisements shall be published at least once in each week for two consecutive weeks prior to the last date upon which bids will be received and may be published for as many additional publications as shall be considered in the county's interest. Such advertisement shall state:

1. The date after which bids will not be received;
2. The character of the work to be done, or the materials, equipment or service to be purchased; and
3. Where the specifications may be seen.

F. No bid shall be considered for public works unless it is accompanied by a bid deposit in the form of a surety bond, postal money order, cash, cashier's check, or certified check in an amount equal to five percent of the amount of the bid proposed.

G. Should the bidder to whom the contract is awarded fail to enter into the contract or fail to furnish the contractor's bond within 10 days (exclusive of the date of notice) after notice of the award, the amount of the bid deposit shall be forfeited to the county. Thereafter, the award shall be made to the next lowest responsive bidder. The bid deposit of an unsuccessful bidder (if his bid deposit has not been forfeited) shall be returned after the required contractor's bond of the successful bidder has been accepted.

H. Bids received shall be opened and read in public on the date named in the advertisement for bids, or to such an adjourned time as may then be publicly announced.

I. After opening, all bids shall be reviewed and referred to the requisitioning department for recommendation of award. Bids will be forwarded by the director of the administrative services department or designee with a recommendation to the county executive for award.

J. After opening and award, all bids shall be filed for public inspection, and available by telephone inquiry.

K. Any or all bids may be rejected for good cause. If all bids are not rejected, the award shall be to the lowest responsive bidder. In determining which is the lowest responsive bidder, the county may take into consideration the bidder's responsiveness to the county's requirements, the quality of the articles to be purchased or leased, availability of parts and service, delivery time, the tax revenue the county would receive from purchasing from a supplier located within its boundaries and prior dealings with the bidder.

L. The county may issue requests for proposals for services, or for technologically complex equipment including but not limited to computers, software, or telephone systems. If all proposals are not rejected, the award shall be to the highest rated proposal, taking into account the selection criteria published in the request for proposals.

M. The county may award to multiple bidders for the same commodity or service when the bid specifications provide for special circumstances in the determination of which vendor is truly the lowest price to the county. Special circumstances may include differences in ability to deliver, delivery time, availability of material, special loading or unloading conditions, total cost including transport or labor if not included with bid item, performance of the delivered material, location of the source, and proximity to the delivery point.

N. Contracts entered into by the county may be administratively amended to a cumulative amount not to exceed \$10,000 or 10 percent of the original contract whichever is greater; larger

amounts require council approval. Amendments to existing contracts which involve externally funded pass-through moneys may be approved by the county executive without council approval in any amount. (Ord. 93-042 Exh. H).

3.08.095 Small Works Roster Contract Award Process

This section may be utilized in the acquisition of contractual services necessary to complete public works projects with an estimated value of less than \$100,000. As allowed under RCW 36.32.250, and consistent with RCW 39.04.155, in order to use a Small Works Roster contract award process in lieu of formal sealed bidding, the County shall:

A. Publish at least twice each year in the official County newspaper a notice of the existence of the roster and solicit the names of contractors that are qualified for the requested categories of work. Notice shall be published at least once in each week for two consecutive weeks prior to the last date upon which response to the notice will be received, and may be published for as many additional publications as shall be considered in the county's interest.

B. In every case a certain category of work is to be accomplished under this section, all contractors responding to the above notice and indicating their qualification to perform the category of work proposed shall be contacted and provided an invitation to bid.

C. Include in the invitation to bid the date on which bids will be received, the scope and nature of work to be performed, the materials and equipment to be furnished, and, if not provided otherwise in the invitation to bid, where the detailed plans and specifications may be seen and obtained.

D. Otherwise apply the provisions of 3.08.090, subsections B, D, F, G, H, I, J, K, and N.

E. Forgo the advertisement of a contract awarded through use of the Small Works Roster.

3.08.100 Council approval required.

Contracts for professional services exceeding \$15,000, bids exceeding \$35,000 and all real property leases must be submitted to the county council for approval, except when made in the exercise of an option contained in a contract or lease previously approved by the council. (Ord. 96-034; Ord. 93-042 Exh. H).

3.08.110 Unregistered or unlicensed contractors prohibited.

No contract shall be entered into or executed with any contractor who is not registered or licensed as required by the laws of this state (except only as permitted under RCW 39.06.010 for highway projects for contractors who have been prequalified as required under RCW 47.28.070). (Ord. 93-042 Exh. H).

3.08.120 Joint purchasing.

The county may enter into agreements with the state or with any agency, political subdivision, or unit of local government to purchase goods or services cooperatively. Joint purchasing services are hereby authorized and encouraged with any other municipal corporation in Whatcom County. Assistance to the participating municipal corporation may be given in any way except that a sale or contract shall be between the vendor and the participating municipal corporation and not Whatcom County. Bids and quotes may be obtained jointly based on volume if it is in the county's best interest to do so. (Ord. 93-042 Exh. H).

3.08.130 Amendments to chapter.

The county council reserves the exclusive right to alter, amend, rescind, abrogate, delete, supersede or replace the provisions of this chapter or any part thereof, in any manner not inconsistent with state law. Whether or not the county council takes action, the provisions of this chapter shall be deemed automatically altered, amended, or superseded to conform to any mandatory state administrative ruling or statute, as of the effective date of any such enactment appertaining to the matters covered in this chapter, to the effect that the provisions of this chapter shall at all times conform to, and never conflict with, said state laws and regulations. (Ord. 93-042 Exh. H).

3.08.140 Severability.

If any provision of this chapter is held to be invalid, the remainder of the chapter shall remain in effect. (Ord. 93-042 Exh. H).