

1 SNOHOMISH COUNTY COUNCIL
2 Snohomish County, Washington

3
4 ORDINANCE NO. 13-040

5
6 RELATING TO COUNTY PURCHASES AND CONTRACTS,
7 AND AMENDING SCC 3.04.130 AND SCC 3.04.160
8

9 WHEREAS, by Section 2, Chapter 219, Laws of 1995, the Washington
10 legislature enacted RCW 36.32.235 to apply to counties with populations of 400,000 or
11 more that have established a purchasing department and to provide, among other
12 things, for the publication of an advertisement of calls for bids for public works in the
13 official county newspaper and in certain cases in another legal newspaper of general
14 circulation, in each case at least once at least thirteen days prior to the last date upon
15 bids will be received; and
16

17 WHEREAS, by Section 2 of Amended Ordinance No. 09-084, adopted on
18 September 9, 2009, the County Council amended SCC 3.04.175 to provide for the
19 advertisement of public works contracts at least once at least thirteen days prior to the
20 last date upon which bids will be received; and
21

22 WHEREAS, it is necessary to amend SCC 3.04.130 in order to conform
23 Snohomish County Code to the requirements of RCW 36.32.235 as amended; and
24

25 WHEREAS, by Section 7, Chapter 198, Laws of 1993, the Washington
26 legislature amended RCW 36.32.245(1) to increase from ten to thirteen the number of
27 days required to elapse between the advertisement of a call for bids for the purchase of
28 materials, equipment or supplies and the receipt of those bids; and
29

30 WHEREAS, it is necessary to amend SCC 3.04.130 and SCC 3.04.160 in order
31 to conform Snohomish County Code to the requirements of RCW 36.32.245(1) as
32 amended;
33

34 NOW, THEREFORE, BE IT ORDAINED:
35

36 Section 1. Snohomish County Code Section 3.04.130, last amended by
37 Amended Ordinance No. 10-054 on August 4, 2010, is amended to read:
38

39 **3.04.130 Procedures.** Except where otherwise exempt or provided for under
40 express provisions of this chapter, all solicitations, advertising, opening, consideration,
41 and awards of bids and other related functions on any purchase, lease, or contract to
42 purchase or lease personal property, public work, labor and materials, or services shall
43 be made in accordance with the following provisions:
44

1 (1) Requisitions and specifications shall be prepared by the interested
2 department or with assistance of the division at the request of such department. All
3 requisitions must be signed by a department head or his authorized representative as
4 indicated on the authorized signature form on file in the division. The call for bids shall
5 then be prepared by the division and filed in the division for public inspection. The
6 package for bidders may either contain detailed plans and specifications or may require
7 the bidder to submit detailed plans and specifications prepared by him in response to
8 performance and general requirements submitted by the county. Plans and
9 specifications will be made available for purchase at the office of the department head
10 preparing the plans and specifications or the division.

11
12 (2) An advertisement stating the date and hour after which bids will not be
13 received, the scheduled time for opening bids, the character of the work to be done, or
14 material, equipment, or services to be furnished, that the specifications therefor may be
15 seen at the office of the division, and the location where plans and specifications may
16 be obtained shall be published in the county official newspaper; PROVIDED, That
17 advertisements for public work contracts for construction, alteration, repair, or
18 improvement of public facilities shall be additionally published in a legal newspaper of
19 general circulation in or as near as possible to that part of the county in which said work
20 is to be done; and PROVIDED FURTHER, That if the county official newspaper is a
21 newspaper of general circulation covering at least forty percent of the residences of that
22 part of the county in which such public works are to be done publication of an
23 advertisement in the county official newspaper only shall be sufficient. Such
24 advertisements for public work shall be published at least once, at least ~~((ten (10)))~~
25 thirteen (13) days prior to the last date upon which bids will be received. Additional
26 advertisements, as may be deemed necessary, may be made. ~~((Bid openings will not
27 normally be scheduled in less than ten (10) days from the date of the last advertising
28 notice unless specifically authorized by the manager.))~~

29
30 (3) Bids shall be made in writing on forms included in the call for bids and
31 signed by the party or parties bidding thereon. The bids shall indicate the status of the
32 bidder and the position of the party signing the bid in its behalf. If the bid is made by a
33 joint venture, the bid shall include the names of all joint venturers and shall be signed by
34 each joint venturer or its authorized agent. Any bid may be rejected if it does not
35 include all information required, contains any qualification of any bid or change in the
36 proposal, is not properly signed or is otherwise incomplete, or in the opinion of the
37 awarding authority is irregular in any respect. An unsigned bid shall not be considered
38 for acceptance unless other related bid documents from the bidder are signed by an
39 authorized person which indicates that the bid was tendered in good faith as an entire
40 bid proposal.

41
42 (4) All bids shall be sealed with the bid number and opening date on the outer
43 cover of the bid and mailed or delivered to the division or such other location as
44 designated in the call for bids prior to the time specified for the closing of bids in the call.

1 Upon receipt each bid shall be time-stamped and initialed by an employee of the
2 division or other authorized county employee. No bid shall be accepted after the time
3 and date specified in the call for bids, and there shall be no exceptions to this
4 requirement. After the expiration of the time for the receipt of bid proposals, those
5 proposals which have been timely filed shall be delivered by the division to the bid
6 board for opening. Bid openings shall be held immediately after the expiration of the
7 time permitted for receipt of bids unless continued as provided in this section.
8

9 (5) The bid board shall consist of the county executive or his designee, the
10 manager or his designee, and a bid opening official designated by the manager. The
11 chairman of the county council, or his designee, may also serve as a board member
12 when he elects to attend. The board shall be present at the opening of all bids and
13 exercise surveillance and control over the bid openings. Sealed bids delivered to the
14 bid board shall be publicly opened by a representative of the division after the time
15 specified; PROVIDED, that the opening of bids may be continued by the county
16 executive, for cause, for a period not to exceed 15 days, and PROVIDED FURTHER,
17 that notice of such continuance shall be given orally at the time and place set for the
18 opening of bids and then in writing to all bidders who have submitted bids. Following
19 the opening of a bid, the total amount of the bid and such breakdown of the bid as is
20 deemed appropriate by the bid board shall immediately be read aloud by a
21 representative of the division or a member of the bid board. The division shall check the
22 bids for mathematical accuracy and then prepare a written summary of all bids showing
23 the amount bid on each item contained in the bid and all mathematical corrections. Unit
24 prices will be the basis for making awards of bids. However, the total of extensions,
25 corrected as needed, will be used for the purpose of determining the amounts of the bid
26 and the contractor's performance bond.
27

28 (6) No bid shall be considered for a public work project unless accompanied
29 by a bid deposit in the form of a surety bond, cash, postal money order, cashier's check,
30 or certified check payable to the county treasurer in an amount equal to five percent of
31 the amount bid. A bid deposit may be required by the manager or the director on bids
32 for contracts other than public work and may be specified as a dollar figure rather than a
33 percentage.
34

35 As soon as bid prices have been compared, the manager will return the bid
36 deposits accompanying such of the bids as in his judgment would not be considered in
37 making the award. All other bid deposits may be held until the contract and
38 performance bond, if required, have been executed, after which all bid deposits, except
39 such as have been forfeited, will be returned to the bidders submitting them and except
40 that the bid deposit of the successful bidder may be held for a longer period if provided
41 for in the invitation to bid or specifications.
42

43 (7) The rights to reject any or all bids before opening or any or all bids or
44 portions of a bid or bids after opening, republish the call for bids, revise or cancel the

1 work, or do the work by day labor in conformance with state law or negotiate as
2 provided in SCC 3.04.170, are reserved to the county representatives making the award
3 if in their judgment the best interest of the county is served thereby.
4

5 (8) If awarded, the contract shall be awarded to the lowest responsible bidder
6 meeting the bid requirements as determined by the awarding authority. For all county
7 contracts for public work (as those terms are defined in RCW 39.04.010(2) and RCW
8 39.04.010(4)), the bidder shall meet the mandatory bidder responsibility criteria set forth
9 in SCC 3.04.131 and, if required by the invitation to bid or bidding documents, the
10 supplemental bidder responsibility criteria established for the contract pursuant to SCC
11 3.04.132. In determining the responsibility of a bidder, the awarding authority may also
12 consider the quality and nature of the material and/or services to be supplied, their
13 conformity or lack of conformity with specifications, their suitability to meet the
14 requirements of the county as evidenced by the specifications, compatibility with other
15 equipment, procedures or systems of the county, time and other terms of delivery,
16 equipment available to the bidder, location and adequacy of repair facilities of the
17 bidder, subcontractors to be utilized, whether the bidder can perform the contract within
18 the time specified, and such other information or factors as may affect the bidder's
19 ability to perform the project in accord with the specifications. If the bid is based upon
20 plans and specifications submitted by the bidder, the overall capability of such plans
21 and specifications to meet performance requirements of the county as stated in the call
22 for bids(,) may also be considered. Prior to award of public work construction
23 contracts involving non-county agencies, approvals required from such agencies shall
24 be secured by the originating department.
25

26 (9) Decisions with respect to award or other disposition shall be made within
27 thirty (30) days of the time set for opening of the bids unless continued to a later date by
28 the authority charged with the responsibility of making the award. No continuance shall
29 be made for more than thirty (30) additional days except with the consent of the bidders
30 who are being considered for the award.
31

32 (10) The division shall notify the successful bidder of the award in writing and
33 deliver or mail to him appropriate contract and other forms. Signed contract forms,
34 together with such performance bond, certificate of insurance, and other documents as
35 are required of the successful bidder shall be returned to the division within fifteen (15)
36 days of delivery or mailing of the contract forms unless such time is extended by the
37 awarding authority. If the successful bidder fails to return the executed contract and a
38 satisfactory performance bond within the time allowed, his bid deposit shall be forfeited
39 to the county, and the contract may be awarded to the next lowest responsible bidder.
40 Notice and award of contract form shall then be forwarded to the successful bidder, and
41 if he shall not respond within the times as indicated above, his deposit shall be forfeited,
42 and in a like manner the contract may be awarded to subsequent responsible bidders
43 until the contract, bond and other documents are executed and returned by a
44 responsible bidder or all bid proposals are exhausted through this process.

1
2 (11) If the county executive elects to trade in used equipment on the purchase
3 of new equipment, the call for bids on the new equipment shall include a notice that the
4 county has for sale or trade-in used equipment of a specified type and description which
5 will be sold or traded in on the same day and hour that the bids on the new equipment
6 are awarded. Any bidder on the new equipment may include in his offer to sell, an offer
7 to accept all or part of the used equipment as a part payment of the new equipment
8 purchase price, setting forth the amount of such allowance as required by the
9 specifications.

10
11 In determining the lowest responsible bid on the new equipment, the awarding
12 authority shall consider the net cost to the county of such new equipment after trade-in
13 allowances have been deducted. The awarding authority as provided in SCC 3.04.140
14 may accept the new equipment bid of any bidder without trading in the used equipment
15 but may not require any such bidder to purchase the used equipment without awarding
16 the bidder the new equipment contract. Nothing in this section shall bar anyone from
17 making an offer for the purchase of the used equipment independent of a bid on the
18 new equipment and the awarding authority shall consider such offers in relation to the
19 trade-in allowances offered to determine the net best sale and purchase combination for
20 the county. Delivery of the used equipment to the successful bidder may, at the
21 county's option, be delayed until receipt of the new equipment.

22
23 (12) The county may call for bids for a fixed number of items sought to be
24 purchased "or more", in which case the vendor shall be deemed to have irrevocably
25 offered to supply such additional items above the number specified as the county at its
26 option may order from the supplier for a period of one year from the date of award, or
27 for such other period as is stated in the call for bids or a bidder's response. The bidder
28 may indicate a maximum number of items that can be obtained at the bid price over and
29 above the quantity cited on the bid form. This subsection shall not require that the
30 county purchase any particular number above the number stated nor that the county
31 satisfy its needs for the item by purchases above the number stated. Reference to this
32 section shall be included in all calls for bids on an "or more" basis.

33
34 (13) Any department preparing specifications and bid packages shall provide
35 its proposed bid package to the division for review and approval prior to publication.
36 Excluded from this approval requirement are bid packages requiring approval from other
37 regulatory agencies.

38
39 (14) When two or more low bids are equal, considering all factors, the award
40 shall be determined through a drawing by lot, which shall be witnessed by at least two
41 members of the bid board other than the person supervising the drawing. The full
42 names and addresses of the witnesses to such drawing shall be included on or attached
43 to the abstract of bids.
44

1 (15) The manager may request clarification of any ambiguous entry in a bid
2 prior to the award of a contract. Following such clarification, the manager, with the
3 concurrence of the prosecuting attorney, may recommend rejection of the bid if it is still
4 unclear or ambiguous. Any request for withdrawal of a bid following opening because of
5 a claimed mistake in the bid shall be granted by the manager only upon approval by the
6 prosecuting attorney.

7
8 (16) If the invitation for bids so provides, a bid is not rendered non-responsive if
9 the bidder specifies that the award will be accepted only on an all, or a specified group
10 of fewer than all, items included in the invitation.

11
12 Section 2. Snohomish County Code Section 3.04.160, last amended by
13 Ordinance No. 07-078 on September 5, 2007, is amended to read:

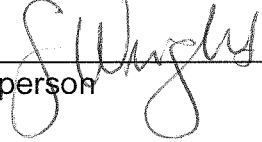
14
15 **3.04.160 Purchases, leases, and contracts for personal property.**

16
17 The manager or his designee is granted authority to award any contract, lease or
18 purchase of personal property except as otherwise provided in this chapter and the
19 county charter, involving less than \$5,000, sales tax and shipping charges not included,
20 without compliance with the requirements of SCC 3.04.130(2), (3), (4), (5), (9) and (10).
21 On contracts, leases, or purchases from \$5,000 to less than \$25,000, sales tax and
22 shipping charges not included, the manager or his designee shall be responsible for
23 soliciting telephone and/or written quotations from at least three vendors whenever
24 possible to assure establishment of a competitive price and for awarding such contracts
25 for purchase of supplies, equipment, services, work and materials to the lowest
26 responsible bidder as defined in SCC 3.04.130(8). Immediately after award is made,
27 the bid quotations obtained shall be open to public inspection or telephone inquiry. At
28 least twice per year, the county shall publish in a newspaper of general circulation within
29 the jurisdiction a notice of the existence of a vendor reference list and solicit vendor
30 names for the list. The division will prepare specifications and post notice of intent to
31 purchase upon its bulletin board for not less than three working days prior to making
32 any such contract or purchase, except that the period of posting may be waived by the
33 manager. A contract pursuant to this section less than \$25,000 in value need not be
34 advertised. The county executive may waive the requirements of advertisement and
35 competitive bidding for materials and labor to repair or restore any county motor vehicle,
36 trailer, or other equipment to an operable or usable condition, or for labor, materials or
37 services required to prevent imminent and material injury or damage to the public or
38 property of the county. Purchases for less than \$5,000 may be made by the manager,
39 subject to such regulations as the director may approve.

40
41 Purchase transactions for materials, supplies, equipment, and services valued at
42 \$25,000 or more shall be formally bid and advertised. Such advertisement shall be
43 published in the official county newspaper at least once, at least ~~((10))~~ thirteen (13)
44 days prior to the last date upon which bids will be received(~~(-and-accepted)~~).

1
2 PASSED this 12th day of June, 2013.

3
4 SNOHOMISH COUNTY COUNCIL
5 Snohomish County, Washington


6
7 
8 _____
9 Chairperson

10 ATTEST:

11
12 
13 Clerk of the Council, *asst.*

- 14
15 APPROVED
16 EMERGENCY
17 VETOED

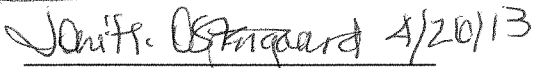
18
19 DATE: 6-14-13

20
21 
22 _____
23 County Executive

24 ATTEST:

25
26 
27 _____

28
29 Approved as to form only:

30 
31 _____ 4/20/13
32 Deputy Prosecuting Attorney

33
34
35
36
37
38
39
40
41
42
43
44
D-12