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ORDINANCE NO. 86- 003  
RELATING TO  
PURCHASES AND CONTRACTS

BE IT ORDAINED:

Section 1. Sections 3.04.050, 3.04.070, 3.04.140, 3.04.192, 3.04.196 and 3.04.230 of the Snohomish County Code, as adopted by Ordinance on January 20, 1981 are repealed.

Section 2. Section 3.04.010 of the Snohomish County Code as adopted by Ordinance on January 20, 1981 is amended to read as follows:

3.04.010 Application. Procedures and requirements of this chapter shall apply to all contracts for services, public works, or work and material, and all purchases and leases and rentals of supplies, materials, equipment, or other personal property by the county except as exempted by the terms of this chapter. This chapter establishes the purchasing ((department)) division of the county, its functions, and purchasing and contracting standards and procedures. Each ((branch)) division and department of the county shall be responsible for submittal of purchasing requisitions as required by the purchasing ((department)) division and ((the general responsibility of seeing)) assuring that purchases and other expenditures covered by this chapter are within and provided by the budget of such ((branch)) division or department. ((All branches and departments of the county shall be furnished a copy of this chapter, and any vendor, lessor, or bidder shall be provided, at cost of reproduction, a copy upon request.))

Section 3. A new section 3.04.015 is added to the Snohomish County Code to read as follows:

3.04.015 Exemptions. The following shall be exempt from the requirements of this chapter:

- (1) Settlements of claims for taxes or damages of any sort, whether based upon tort, contract, or otherwise;
- (2) Contracts of employment, whether negotiated through duly authorized labor representatives or not, and payroll disbursements or any other payments incidental to such contracts;
- (3) Travel and living expenses of officers and employees;
- (4) Insurance and surety bond purchases;
- (5) The following proprietary purchases:

- (a) Utility billing (telephone, water, power, etc.),
- (b) Postage, permit, fee, license involving a single source or governmental agency,
- (c) Any care, training, or professional services for the physically and/or mentally ill by any county agency;
- (6) Interdepartmental transactions;
- (7) Performance of work by day labor by county employees as allowed by state law;
- (8) The furnishing of any property, materials, construction, work or labor by any person or entity in accord with any condition of any variance, rezoning, platting, replatting, conditional use permit, or any other permit issued by the county;
- (9) Foods. If the products being purchased by the county are of a perishable nature, such as meats, fish, fresh or frozen fruits and vegetables, bakery products, dairy and poultry items, the purchase may be made by the department involved by direct negotiation, subject to the approval of the purchasing manager and such regulations as may be required by the county executive. Nonperishable foods (dry stores) shall be placed on bid at least once annually to determine the existence of a competitive base. If such a base at reasonable prices does not exist, the food involved may be purchased by direct negotiation by the department involved, subject to the approval of the executive;
- (10) Purchases, sales, leases, licenses, or other contracts affecting real property;
- (11) Any sale, lease, licensing, or other disposal of any other personal property or services by the county;
- (12) Any acquisition of property by the county by the exercise of the power of eminent domain;
- (13) Any exchange wherein the county receives services or property in exchange for consideration other than money;
- (14) All contracts funded by a federal and/or state grant-in aid program or project and which are controlled by applicable federal or state law, rule or regulation; and all contracts with subgrantees or subrecipients under grants in aid programs.
- (15) Any other transaction the procedures with respect to which are controlled by any other ordinance.

Section 4. That section 3.04.020 of the Snohomish County Code as adopted by Ordinance on January 20, 1981 is amended to read as follows:

3.04.020 Purchasing ~~((department-))~~ division. The county purchasing ~~((department))~~ division is hereby established as part of the department of support services. ~~((Such-department))~~ The division shall administer purchases, rentals and leases of personal property and the contracting for public works, work and material, and other services as provided in this chapter.

Section 5. A new section 3.04.005 is added to the Snohomish County Code to read as follows:

~~3.04.005~~ Definitions: Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Architectural and engineering (A/E) services" means professional services rendered by any person, other than an employee of the county, contracting to perform activities within the scope of the general definition of professional practice in Chapters 18.08, 18.43, or 18.96 RCW.

(2) "Application" means a completed statement of qualifications together with a request to be considered for the award of one or more contracts for professional services.

(3) "Director" means the director of the department of support services.

(4) "Department" means the department of support services.

(5) "Division" means the purchasing division.

(6) "Manager" means the purchasing manager.

(7) "Person" means any individual, organization, group, association, partnership, firm, joint venture, corporation, or any combination thereof.

(8) "Prosecuting attorney" means the prosecuting attorney or a designated member of the civil division of the prosecutor's office.

(9) "SCC" means Snohomish County Code.

Section 6. Section 3.04.030 of the Snohomish County Code as adopted by Ordinance on January 20, 1981 is amended as follows:

~~3.04.030 ((Director-of)) Purchasing manager.~~ The ~~((director-of))~~ purchasing manager shall be the administrative head of the purchasing ~~((department-which))~~ division and shall be the purchasing agent of the county. ~~Under the direction and supervision of the director of support services~~ he shall administer the purchasing and contracting procedures as provided in this chapter and shall prepare and submit an annual budget request for the purchasing ~~((department))~~ division as required by the county executive. He may appoint such officers and employees as are required to perform the duties of the purchasing ~~((department))~~ division, in compliance with county personnel system requirements. He shall be deemed an employee covered by the blanket employees' performance bond purchased by the county. In the absence of the ~~((director-of))~~ purchasing manager, his powers and duties shall be performed by his designee in the purchasing ~~((department))~~ division unless the ~~((county-executive))~~ director shall direct otherwise.

Section 7. That section 3.04.040 of the Snohomish County Code as adopted by Ordinance on January 20, 1981 is amended to read as follows:

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3.04.040 Qualifications. The ~~((director-of))~~ purchasing manager shall be appointed on the basis of his abilities, qualifications, integrity and prior experience as a purchasing agent or employment in the purchasing department of a governmental or private agency.

Section 8. A new section 3.04.050 is added to the Snohomish County Code as follows:

3.04.050 Appointment. The purchasing manager shall be appointed by the director of the department of support services.

Section 9. That section 3.04.060 of the Snohomish County Code as adopted on January 20, 1981 is amended to read as follows:

3.04.060 Powers and duties. In addition to the general powers and duties as set forth ~~((above)) elsewhere in this chapter,~~ the ~~((director-of))~~ purchasing manager shall perform such duties as are provided by this chapter including:

(1) Prepare and submit an inventory as required by ~~((Section))~~ SCC 3.04.070;

(2) Prepare and make available to all departments and ~~((branches)) divisions of the county such forms as are necessary to carry out the purposes of this chapter ((as-needed, suitable forms for requisitions, vouchers, bids, and similar forms. Such forms shall be designed so as to minimize the number of forms and the amount of time required to process them));~~

(3) In accordance with procedures approved by the county executive, use a purchase order number system for transactions wherein the county contracts for the purchase of supplies, materials, equipment or other tangible personal property, public works, or services as provided herein, ~~((prepare and certify purchase order voucher files for payment,))~~ and maintain records with respect to such transactions;

(4) Review and revise conditions and clauses of bid solicitations, as deemed appropriate to clarify the award process and eliminate ambiguities;

(5) Prepare and make bid calls, postings, newspaper advertising, solicitations, provide information, receive telephone or written bids and quotations, and otherwise ~~((process and))~~ participate in the awarding of contracts for purchases ~~((and otherwise))~~ as provided in this chapter. ~~((The foregoing procedures on public works contracts performed by the department of public works shall be performed by said department in cooperation with the purchasing department. The purchasing director shall prepare a purchasing manual outlining procedures to be followed in making purchases and contracts as provided in this chapter by April 15, 1980.))~~

(6) Adopt rules and regulations governing the relationship and procedures between the purchasing division, other divisions and departments of government and suppliers, all as approved by the director.

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(7) Publish procedures and guidelines for use by all divisions and departments of the county which implement overall county purchasing and material control policies; and

(8) Establish bid opening, advertising and recommend bid award dates.

Section 10. That a new section 3.04.075 is added to the Snohomish County Code to read as follows:

**3.04.075 Inventory.** The purchasing manager shall provide an annual inventory of supplies held under his control. Said inventory shall be taken at the end of the calendar year and be provided to the county executive and the director of the department of finance by January 20th of each year.

Section 11. That 3.04.080 of the Snohomish County Code as adopted by Ordinance on January 20, 1981 is amended to read as follows:

**3.04.080 Quantity purchases.** Whenever practicable, considering factors such as storage capacity, product shelf life and available funding, it shall be the policy of the purchasing ((department)) division to purchase supplies in quantities sufficient ((for-anticipated needs-covering)) to meet anticipated needs for a period of at least three months, but not, however, to exceed anticipated needs for more than one year.

Section 12. That section 3.04.090 of the Snohomish County Code as adopted by Ordinance on January 20, 1981 is amended to read as follows:

**3.04.090 Standardization.**

(1) Equipment and supplies in general use throughout the various departments of the county shall be standardized insofar as possible. In order to secure economies ((achieved)) through volume purchasing, county departments ((will)) shall be supplied ((from)) with ((these)) standardized items ((stocks)) as determined by the director. Items not ((from-standardized-stocks-will)) normally stocked may be purchased only if the standard item is not suitable or cannot efficiently perform the task at hand or the ((nonstandard)) item is needed for a particular application. The ((director-of)) purchasing manager will maintain a continuous review of inventory items and will replace and resupply such so as to maintain an adequate inventory of standardized equipment and supplies.

(2) County officials and departments shall purchase all office supplies through the purchasing ((department)) division, except as permitted elsewhere in this chapter: PROVIDED, That officers and departments may make purchases of office supplies not on hand in the purchasing ((department)) division where the total price does not exceed fifty dollars, the supplies are required to perform official duties before they can be provided through usual purchasing

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procedures, and such purchase is made in accord with regulations ((drafted-by-the-director-of-purchasing--and-approved-by-the executive;-and)) adopted by the purchasing manager; PROVIDED FURTHER, That the total amount of such purchases by any office or department shall not exceed five hundred dollars in any calendar year.

(3) Equipment, parts, materials, and supplies other than office supplies in an amount not more than five hundred dollars may be purchased by county officials and departments in accord with regulations ((drafted-by-the-director-of-purchasing-and-approved-by the-executive)) adopted by the purchasing manager. Purchases between five hundred and one thousand dollars may only be made by a department when specifically authorized in writing by the purchasing manager when he deems such to be in the best interest of the county.

(4) The director or his purchasing manager shall review the buying practices of all county departments at least annually to determine whether or not they are following the provisions of this chapter, where applicable, and are using good judgment in their purchase actions. The time and place of the review will be coordinated with the appropriate department head. The depth of review will be determined by the director and will consider any information or records available from the purchasing division. The director shall submit a summary of his findings and such recommendations as appropriate to the county executive following the completion of his review.

Section 13. That section 3.04.100 of the Snohomish County Code as adopted on January 20, 1981 is amended to read as follows:

3.04.100 Storage, supplies in general use. ((e)) Standardized office supplies in general use shall be stored in a convenient location or locations under the control of the purchasing ((department)) manager. ((The department shall purchase supplies as needed.))

Section 14. That section 3.04.110 as adopted by Ordinance on January 20, 1981 is amended to read as follows:

3.04.110 E R & R--Stores and acquisitions.

(1) E R & R Central Stores acquisitions shall be through a purchasing coordinator designated by the director ((of public-works)).

(2) The coordinator shall be responsible for coordinating ((public-works)) acquisitions of equipment, tools, parts, and supplies with the director ((of purchasing)), and may make purchases required by E R & R activities amounting to one thousand dollars or less in accord with regulations ((drafted-by-the-purchasing-director-and approved-by-the-executive)) adopted by the director.

(3) The purchasing coordinator shall be responsible for the maintenance and operation of ((public-works)) ER&R central stores.

(4) The coordinator ((will)) shall, with the assistance of the purchasing ((agent)) manager, establish a standardized stock of

supplies, parts, tools, equipment, and other items of general use throughout ~~((the-various-divisions-of-the-department-of-public-works))~~ county government.

(5) All public works items of general use will be drawn by public works personnel from central stores stock. Items not stocked but required will be acquired through the purchasing ~~((department))~~ division.

Section 15. That section 3.04.120 as adopted by Ordinance on January 20, 1981 is amended to read as follows:

3.04.120\_\_Competitive\_bidding. The bid requirements of ~~((Section))~~ SCC 3.04.130(2), (3), (4), (5), (9) and (10) shall be complied with on all purchases, and leases of personal property and contracts for public works, work and materials, and services except the following:

- (1) Purchases as provided in ~~((Section))~~ SCC 3.04.160;
- (2) Negotiated contracts as provided in ~~((Section))~~ SCC 3.03.170;
- (3) Proprietary purchases as provided in ~~((Section))~~ SCC 3.04.180;
- (4) Consultant and special service contracts as provided in ~~((Section))~~ SCC 3.04.190;
- (5) Emergencies as provided in ~~((Section))~~ SCC 3.04.200;
- (6) Intergovernmental services as provided in ~~((Section))~~ SCC 3.04.210;
- (7) Cooperative purchasing as provided in ~~((Section))~~ SCC 3.04.220.
- (8) Exemptions as provided in ~~((Section))~~ SCC 3.04.~~((230))~~ 015.

Section 16. That section 3.04.130 as adopted by Ordinance on January 20, 1981 is amended to read as follows:

3.04.130\_\_Procedures. Except where otherwise exempt or provided for under express provisions of this chapter, all solicitations, advertising, opening, consideration, and awards of bids and other related functions on any purchase, lease, or contract to purchase or lease personal property, public works, work and materials, or services shall be made in accordance with the following provisions:

- (1) Requisitions and specifications shall be prepared by the interested department or with assistance of the ~~((director-of))~~ purchasing division at the request of such department. All requisitions must be signed by a department head or his authorized representative as indicated on the authorized signature form on file in the purchasing division. The call for bids shall then be prepared by the ~~((director-of))~~ purchasing manager and filed in the purchasing ~~((department))~~ division for public inspection. The package for bidders may either contain detailed plans and specifications or may require the bidder to submit detailed plans and specifications prepared by him in response to performance and general requirements submitted by the county. Plans and specifications ~~((will-normally-be~~

purchased)) will be made available for purchase at the office of the department head preparing the plans and specifications or the purchasing division.

(2) An advertisement stating the date and hour after which bids will not be received, the scheduled time for opening bids, the character of the work to be done, or material, equipment, or services to be furnished, that the specifications therefor may be seen at the office of the purchasing ((department)) division, and the location where plans and specifications may be obtained shall be published in the county official newspaper: PROVIDED, That advertisements for public works contracts for construction, alteration, repair, or improvement of public facilities shall be additionally published in a legal newspaper of general circulation in or as near as possible to that part of the county in which said work is to be done: ((and)) PROVIDED FURTHER, That if the county official newspaper is a newspaper of general circulation covering at least forty percent of the residences of that part of the county in which such public works are to be done publication of an advertisement in the county official newspaper only shall be sufficient. Such advertisements for public works shall be published at least once in each week for two consecutive weeks prior to the last date upon which bids will be received. Additional advertisements, as may be deemed necessary, may be made. Bid openings will not normally be scheduled in less than ten days from the date of the last advertising notice unless specifically authorized by the director.

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

(4) All bids shall be sealed with the number and opening date on the outer cover of the bid and mailed or delivered to the purchasing ((department)) division or such other location as designated in the call for bids prior to the time specified for the closing of bids in the call. Upon receipt each bid shall be time-stamped and initialed by an employee of the purchasing ((department)) division or other authorized county employee. No bid shall be accepted after the time and date specified in the call for bids, and there shall be no exceptions to this requirement. After the expiration of the time for the receipt of bid proposals, those proposals which have been timely filed shall be delivered by the purchasing ((department)) division to the bid board for opening. Bid openings shall be held immediately



after the expiration of the time permitted for receipt of bids unless continued as provided in this section.

(5) The bid board shall consist of the county executive or his designee, ~~((and the chairman of the county council))~~, the purchasing manager or his designee and a bid opening official designated by the director. ~~The chairman of the county council, or his designee, will also serve as a board member when he elects to attend.~~ ~~((This))~~ The board shall be present ~~((and function))~~ at the opening of all bids and exercise surveillance and control over the bid openings. Sealed bids delivered to the bid board shall be publicly opened by a representative of the purchasing ~~((department))~~ division after the time specified; provided, that the opening of bids may be continued by the county executive, for cause, for a period not to exceed fifteen days, and provided further, that notice of such continuance shall be given orally at the time and place set for the opening of bids and then in writing to all bidders who have submitted bids. Following the opening of a bid, the total amount of the bid and such breakdown of the bid as is deemed appropriate by the bid board shall immediately be read aloud by a representative of the purchasing ~~((department))~~ division or a member of the bid board. The purchasing ~~((department))~~ division shall check the bids for mathematical accuracy and then prepare a written summary of all bids showing the amount bid on each item contained in the bid and all mathematical corrections. Unit prices will be the basis for making awards of bids. However, the total of extensions, corrected as needed, will be used for the purpose of determining the amounts of the bid and the contractor's performance bond.

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

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

(7) The rights to reject any or all bids before opening or any or all bids or portions of a bid or bids after opening, republish the call for bids, revise or cancel the work, or do the work by day labor in conformance with state law or negotiate as provided in Section 3.04.170, are reserved to the county representatives making the award

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if in his or their judgment the best interest of the county is served thereby.

(8) If awarded, the contract shall be awarded to the lowest and best bidder meeting the bid requirements as determined by the awarding authority. In determining the responsibility of a bidder the awarding authority may consider the quality and nature of the material and/or services to be supplied, their conformity or lack of conformity with specifications, their suitability to meet the requirements of the county as evidenced by the specifications, compatibility with other equipment, procedures or systems of the county, time and other terms of delivery, the ability, capacity and skill of the bidder to perform, the character, integrity, reputation, judgment, experience and efficiency of the bidder, the financial situation of the bidder, equipment available to the bidder, location and adequacy of repair facilities of the bidder, subcontractors to be utilized, whether the bidder can perform the contract within the time specified, the performance of the bidder on previous contracts or services, and such other information or factors as may affect the bidder's ability to perform the project in accord with the specifications. If the bid is based upon plans and specifications submitted by the bidder, the overall capability of such plans and specifications to meet performance requirements of the county as stated in the call for bids, may also be considered. Prior to award of public works construction contracts involving ~~((other-regulatory)) non-county~~ agencies, approvals required from such agencies ~~((with))~~ shall be secured by the originating department.

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

(10) The purchasing ~~((department))~~ division shall notify the successful bidder of the award in writing and deliver or mail to him appropriate contract and other forms ~~((addressed-to-the-address-shown-on-his-proposal))~~. Signed contract forms, together with such performance bond, certificate of insurance, and other documents as are required of ~~((him))~~ the successful bidder shall be returned to the purchasing ~~((department))~~ division within fifteen days of ~~((mailing))~~ delivery or mailing of the contract forms unless such time is extended by the awarding authority ~~((which-time-shall-not-be-extended-by-more-than-twenty-days))~~. If the successful bidder fails to return the executed contract and a satisfactory performance bond within the time allowed, his bid deposit shall be forfeited to the county, and the contract may be awarded to the next lowest responsible bidder. Notice and award of contract form shall then be forwarded to ~~((him))~~ the successful bidder, and if he shall not respond within the times as indicated above, his deposit shall be forfeited, and in a like manner the contract may be awarded to subsequent responsible bidders until the contract, bond and other documents are executed and returned by

responsible bidder or all bid proposals are exhausted through this process.

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

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

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

(13) Any department preparing specifications and bid packages, ((other-than-purchasing)) shall provide its proposed bid package to the purchasing ((department)) division for review and approval prior to publication. Excluded from this ((paragraph-are-construction contract)) approval requirement are bid packages requiring approval from other regulatory agencies.

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

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

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

Section 17. A new section 3.04.140 is added to the Snohomish County Code as follows:

**3.04.140 Award, execution, by whom.** Contracts for the purchase and sale of real property, building construction, consultant services as defined in SCC 3.04.190, or intergovernmental services shall be awarded and approved by the county council. Contracts for personal property, equipment, supplies, services, repairs, maintenance, rentals and lease requirements shall be awarded as follows:

(1) Contracts for less than five thousand dollars may be awarded by the purchasing manager.

(2) Contracts for less than ten thousand may be awarded by the director.

(3) Contracts for less than twenty thousand dollars may be awarded by the county executive.

(4) Contracts for twenty thousand dollars or more will be awarded by the county council.

(5) Contracts incidental to litigation shall be approved by the prosecuting attorney.

(6) Options in purchase contracts to extend performance may be exercised by the purchasing manager, with the concurrence of the official or department head involved, when it is the best interests of the county to do so.

Section 18. That section 3.04.150 of the Snohomish County Code as adopted by Ordinance on January 20, 1981 is amended to read as follows:

**3.04.150 Performance bond.** When a performance bond is required by state law or otherwise by the call for bids, the successful bidder shall furnish a duly executed bond upon a form furnished by the county, signed by an approved surety or sureties in the full amount of the contract price conditioned as required therein and by RCW 39.08.010 as now or hereafter amended and any other applicable state law; provided, that in lieu of a performance bond on any contracts of three thousand five hundred dollars or less the ((director-of)) purchasing manager, in his discretion, may retain one hundred percent of the contract amount for a period of thirty days after the date of

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Department of Revenue and the Department of Labor and Industries, whichever is later. Upon receipt of an executed performance bond, the purchasing ~~((department))~~ division shall file it with the ~~((county auditor))~~ director of the department of finance. In projects where a performance bond is not required by state law, the county executive may still require such bond when he concludes that such is required in the best interests of the county. Any question with respect to the adequacy of any bond shall be determined by the ~~((county-executive))~~ purchasing manager.

Section 19. That section 3.04.160 of the Snohomish County Code as adopted by Ordinance on January 20, 1981 is amended to read as follows:

3.04.160 Purchases, leases, and contracts for personal property ~~((by-director-of-purchasing-and-county-executive))~~. The ~~((director of))~~ purchasing manager or his designee is granted authority to award any contract, lease or purchase of personal property except as otherwise provided in this chapter and the county charter, involving less than ~~((three))~~ five thousand ~~((five-hundred))~~ dollars, sales tax and shipping charges not included, without compliance with the requirements of Section 3.04.130(2--5), (9) and (10). On contracts, leases, or purchase exceeding one thousand five hundred dollars and less than ~~((three-thousand-five-hundred))~~ five thousand dollars, sales tax and shipping charges not included, the ~~((director-of))~~ purchasing manager or his designee shall be responsible for soliciting telephone and/or written quotations from enough vendors to assure establishment of a competitive price and or awarding such contracts for purchase of personal property, services, work and materials to the lowest and best bidder as defined in Section 3.04.130(8). Immediately after award is made, the bid quotations obtained shall be open to public inspection or telephone inquiry. The purchasing ~~((department))~~ division will ~~((draw))~~ prepare specifications and post notice of intent to purchase upon its bulletin board for not less than three working days prior to making any such contract or purchase, except that the period of posting may be waived by the ~~((county-executive-or-his-deputy,-and-provided-further,-that-the-council))~~ director. The county executive may waive the requirements of advertisement and competitive bidding for purchases not in excess of the sum of fifteen thousand dollars, not including sales tax and shipping charges, for materials and labor to repair or restore any county motor vehicle, trailer, or other equipment to an operable or useable condition, or for labor, materials or services required to prevent imminent and material injury or damage to the public or property of the county. Purchases for less than one thousand five hundred dollars may be made by the ~~((director-of))~~ purchasing manager, subject to such regulations as the county executive director may approve.

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Section 20. That section 3.04.165 of the Snohomish County Code as last amended by Ordinance on April 7, 1983 is amended to read as follows:

~~3.04.165~~ Estimates. Prior to any negotiation or call for bids ~~((on-any)) for any public works contract or any other~~ contract covered by this chapter ~~((whose-estimated-amount-exceeds-three-thousand-five hundred))~~ ~~the estimated amount of which other contract exceeds five~~ thousand dollars, the head of the county department involved shall prepare a detailed estimate of the amount of such contract. No contract for ~~((a-sum-which-exceeds-the-estimate-of-amount-of-such contract-by-more-than-ten-percent-shall-be-awarded-or-entered-into for))~~ the construction of any public work ~~((whatsoever-or-any))~~ shall be awarded on a bid exceeding the estimate by more than ten percent. No other contract covered by this chapter ~~((in-excess-of-three thousand-five-hundred))~~ shall be awarded on a bid which exceeds the estimate by more than ten thousand dollars without the approval of the council.

Section 21. That section 3.04.170 of the Snohomish County Code as adopted by Ordinance on January 20, 1981 is amended to read as follows:

~~3.04.170~~ Rebid or negotiated contracts. Whenever a call for a bid which has been properly advertised results in no bids received or whenever all bids submitted have been rejected with good and reasonable justification by the authority charged with awarding the contract involved, a new call for bids may be issued or, ~~((at-the discretion-of))~~ the awarding authority ~~((the-county-executive-or-his designee))~~ may direct negotiations to be conducted with one or more suppliers or contractors to arrive at a contract based upon reasonable price and other terms: PROVIDED, That no contract shall be negotiated at a price higher than the lowest bid, if any, received in response to the call for bids, without the approval of the ~~((Council))~~ awarding authority. ~~((If-such-a-contract-requires-approval-by-the-council-under the-provisions-of-the-county-charter-or-this-chapter, the council shall approve such a negotiated contract, otherwise the county executive shall approve such a negotiated contract.))~~

Section 22. That section 3.04.180 of the Snohomish County Code as adopted on January 20, 1981 is amended to read as follows:

~~3.04.180~~ Proprietary purchases. Requirements of Section 3.04.130 (2-5), (8), (9), and (10) shall not apply to purchases and contracts clearly and legitimately limited to single sources of supply and purchases involving special training, special facilities, special services, market conditions, or where compatibility is required with other county equipment, procedures or systems in which instances purchase prices and other terms may be established by direct negotiations by the purchasing ~~((director))~~ manager. Such contracts

shall be approved by the ~~((council))~~ executive except that the ~~((executive))~~ director may approve such contracts where they do not exceed the sum of ~~((one))~~ ten thousand dollars and do not require approval by the council under the charter or other provisions of this chapter ~~((y-except-in-such-instances-where-approval-by-the-council-is-required-by-the-charter-or-other-sections-of-this-ordinance))~~.

Section 23. That section 3.04.190 of the Snohomish County Code as last amended by Ordinance on April, 14, 1982 is amended to read as follows:

3.04.190 Consultant and special services contracts. Consultant contracts may be negotiated by the county executive or the head of any administrative or executive department: PROVIDED, That such contracts shall be approved by the council. The following are deemed special service contracts rather than consultant contracts: title searches, policies, and reports, real property and personal property appraisals and reports, medical services and reports, contracts for inspection of buildings or other structures, and contracts for services, including reports, of a witness or other expert retained in connection with litigation or possible litigation. Special service contracts as stated above, except for contracts for ~~((witness))~~ services in connection with litigation which may be negotiated and approved by the prosecuting attorney, may be negotiated and approved by the executive. Contracts for architectural and engineering services shall be controlled by ~~((Section))~~ SCC 3.04.191 and 3.04.193 through ~~((3-04-196))~~ 3.04.195 to the extent that such sections are inconsistent with this and other sections of this chapter.

Section 24. That section 3.04.193 of the Snohomish County Code as adopted by Ordinance on April 14, 1982 is amended to read as follows:

3.04.193 Announcements. In advance of any negotiation on any contract for A/E services, the purchasing ~~((department))~~ division shall publish an announcement stating concisely the general scope and nature of the project or work for which services are required and the address of the county agency which can provide further details:

(1) On each occasion services required by a consultant are required, or

(2) Announcing generally to the public a county agency's projected requirements for any category or type of A/E services.

Section 25. That section 3.04.200 of the Snohomish County Code as adopted by Ordinance on January 20, 1981 is amended to read as follows:

3.04.200 Emergencies. The council or the county executive may approve such a contract as they or he might otherwise approve under the terms of this chapter and the county charter without compliance with the procedures contained in ~~((Sections))~~ SCC 3.04.130 (2--6), (9), (10), and (11) ~~((or-Section-3-04-160))~~ 3.04.160, 3.04.191 or

~~3.04.193 through 3.04.195~~ if the immediate approval of the contract is necessitated by any emergency caused by fire, flood, explosion, storm, earthquake, epidemic, riot, or insurrection, or for the immediate preservation of order or of public health or public property, or for the restoration to a condition of usefulness of any public property the usefulness of which has been temporarily destroyed, lost, or diminished, or for the relief of a stricken community overtaken by a calamity, or to perform any mandatory activity required by any law upon a finding of the existence of such emergency and entry thereof into the records of the authority having the power to approve such contract.

Section 26. That section 3.04.220 as adopted on January 20, 1981 is amended to read as follows:

3.04.220--Cooperative purchases. The county executive (~~shall have authority to join~~) may negotiate with other units of governments (~~in~~) with respect to cooperative purchasing plans and interlocal agreements to purchase when the best interests of the county would be served thereby: PROVIDED, That each of the participating unit shall be separately involved by the vendors for purchases made under such plans, and the county of Snohomish shall not be obligated for any purchases other than those required for its own use and supplied pursuant to its order. Such plans or agreements shall be approved by the council.

Section 27. That section 3.04.250 of the Snohomish County Code as adopted by Ordinance on January 20, 1981 is amended to read as follows:

3.04.250--Unlawful purchases. It shall be the duty of the (~~director of~~) purchasing manager to report to the county executive and the prosecuting attorney any suspected collusive bids or fraudulent practices coming to his attention, including instances of fragmenting orders to avoid bid laws, and he may order such bids or practices reported to the proper authorities charged with enforcement of any laws, including anti-trust laws.

Section 28. If any section, subsection, clause, phrase, or other portion of this ordinance is held invalid, such portion shall be deemed a separate, distinct, and independent provision; and such decision shall not affect the validity of any other portion of this ordinance.

Section 29. This chapter shall be effective thirty days after adoption. The director of support services is authorized to immediately take such steps as are necessary to insure that this ordinance is implemented on its effective date.



PASSED this 12<sup>th</sup> day of February, 1986.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

*Shirley Barth & Lomax*  
Vice Chairperson

Approved as to Form:

*[Signature]*  
Deputy Prosecuting Attorney

ATTEST:

*Kathleen J. Morton*  
Clerk of Council

- (  ) APPROVED
- (    ) VETOED
- (    ) EMERGENCY

DATE: 3/5/86  
*[Signature]*  
JOHN MARTINIS  
Deputy Executive  
County Executive

PUBLISHED \_\_\_\_\_ and \_\_\_\_\_

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