ORDINANCE NO. 30x4

AN ORDINANCE of the City of Kent, Washington, establishing rules and procedures for entering into procurement contracts for purchases, leases and rentals of supplies, material, equipment or services and adding a new Chapter to Title 3 of the Kent City Code.

WHEREAS, no provisions within the Revised Code of Washington establish procedures or guidelines directly applicable to the City of Kent for the authorization of procurement contracts for purchases, leases and rental of supplies, material, equipment or services other than architectural and engineering services and certain recycled products; and

WHEREAS, it is in the interest of the City of Kent to establish a uniform procedure for entering into procurement contracts for purchases, leases and rental of supplies, material, equipment or services; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Title 3 of the Kent City Code is hereby amended by adding the following new Chapter:

PROCUREMENT CONTRACTS.

3.50.010. Applicability. Except for Public Works or improvement contracts, any contract for the purchase, lease or rental of supplies, material, equipment or services, the estimated cost of which exceeds Seven Thousand Five Hundred dollars ($7500)
shall be subject to the provisions of this Chapter; provided that the limitations herein do not apply to any purchases of materials at auctions conducted by the United States Government or any agency thereof, or by the State of Washington and any of its political subdivisions. Contract herein shall mean formal written contract, purchase order, verbal agreement, cash or credit purchase from a wholesaler, retailer or dealer, or other similar transaction.

3.50.020. Telephone and/or Written Bids or Quotations. If it appears that the estimated cost of a contract to purchase, lease or rent supplies, materials, equipment or services, other than professional and consulting services, will not exceed Fifteen Thousand dollars ($15,000), the City, or the department supervisor with authority, shall attempt to solicit at least three (3) telephone and/or written bids or quotations for that contract.

3.50.030. Advertised Bids or Requests for Proposals. If it appears that the estimated cost of a contract to purchase, lease or rent supplies, materials, equipment or services, will exceed Fifteen Thousand dollars ($15,000), then, at least fifteen (15) days before entering into that contract, the City shall publish notice calling for sealed bids or requests for proposals in a newspaper of general circulation most likely to bring responsive bids. The notice shall generally state the nature of the contemplated purchase, lease or rental agreement and the description or specifications therefor, and it shall require that the bids or proposals be sealed and filed with the City Clerk within the time specified therein. The City Council shall let the contract to the lowest and best responsible bidder or shall have power by resolution to reject any or all bids or proposals and to
3.50.040. **Authorization by Mayor Required.** Any contract, except for public works or improvement contracts, exceeding Seven Thousand Five Hundred dollars ($7,500.00) intended for the purchase, lease or rental of supplies, material, equipment or services must be in writing and approved and signed by the Mayor to become effective and binding upon the City.

3.50.050. **Authorization by Council Required.** Any contract, except for public works or improvement contracts, exceeding Fifteen Thousand dollars ($15,000.00) intended for the purchase, lease or rental of supplies, material, equipment or services that has not been awarded in accordance with the advertised bid procedures set forth in Section 3.50.020 of the Kent City Code must be in writing and authorized by a simple majority of the City Council before becoming effective and binding upon the City. The awarding of a bid by Council shall constitute Council authorization for the purpose of this section.

3.50.060. **Professional and Consultant Contracts.** Contracts for professional and consultant services are not required to follow the procurement requirements set forth in subsections .020 and .030 above and the authorization requirements of subsection .050 above, but rather may be entered into through direct negotiations. All such contracts exceeding seven thousand five hundred dollars ($7,500.00), however, are subject to the authorization requirements of subsection .040 above.

-3-
3.50.070. **Architectural and Engineering Services.** All contracts for architectural and engineering services entered into by the City are governed by Chapter 61, Laws of 1981 (RCW 39.80), and all amendments thereto.

3.50.080. **Waiver.** The procurement requirements set forth in subsections .020 and .030 above may be waived by a written determination by the City or the applicable department head with authority that either the materials, supplies, equipment or services are clearly and legitimately limited to a single source of supply within the near vicinity, or that the materials, supplies, equipment or services are subject to special market conditions. The City's written determination shall also recite why this situation exists. Actions taken under this section are subject to RCW 39.30.020.

3.50.090. **Emergencies.** When any emergency requires the immediate execution of any contract to purchase, lease or rent as described in this Chapter, upon the finding of the existence of such an emergency, the City or its designated department head with authority shall have the power to make and enter into such contract without strict compliance with the procurement requirements set forth in this chapter, provided that the City or the designated department head issues a written basis for the emergency determination accompanied by a description and/or specification and cost estimate of the contract within seven (7) days after the commencement of the purchase.

3.50.100. **Exception for Recycled Products.** Nothing in the Chapter shall prohibit the City from preferentially purchasing
products made from recycled materials or products that may be recycled or reused.

**Section 2. Invalidity.** If any provision of this ordinance or its application to any person or circumstance is held to be invalid, such decision shall not affect the validity of the remainder of the ordinance or the application of the provision to other persons or circumstances.

**Section 3. Effective Date.** This ordinance shall take effect and be in force thirty (30) days from and after its final passage, approval and publication as provided by law.

DAN KELLEHER, MAYOR

ATTEST:

BRENDA JACOBER, DEPUTY CITY CLERK

APPROVED AS TO FORM:

ROGER A. LUBOVICH, CITY ATTORNEY

PASSED the 21 day of January, 1992.
APPROVED the 22 day of January, 1992.
PUBLISHED the 24 day of January, 1992.
I hereby certify that this is a true and correct copy of Ordinance No. 2024, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

BRENDA JACOBER, DEPUTY CITY CLERK
(SEAL)