ORDINANCE NO. 3106

AN ORDINANCE of the City Council of the City of Kent, Washington, amending Chapter 3.60 of the Kent City code establishing rules and procedures for entering into procurement contracts for purchases, leases and rentals of supplies, material, equipment or services.

WHEREAS, the City Council passed Ordinance No. 3024, now codified in Chapter 3.60 of the Kent City Code, to establish procedures and 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 deemed desirable to amend Chapter 3.60 to establish additional procedures relating to professional and consultant contracts; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON HEREBY ORDAINS AS FOLLOWS:

Section 1. Chapter 3.60 of the Kent City Code is hereby amended as follows:

PROCUREMENT CONTRACTS.

3.60.010. Applicability. Except for Public Works or improvement contracts, any contract for the purchase of materials, supplies, equipment or services of the lease or rental of equipment ((any contract for the purchase, lease or rental of
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. Contracts may not be split to avoid the bidding and authorization requirements set forth in this chapter.

3.60.020. Telephone and/or Written Bids or Quotations. If it appears that the estimated cost of a contract to purchase, materials, supplies, equipment or services or the lease or rental of equipment (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 and document at least three (3) telephone and/or written bids or quotations for that contract.

3.60.030. 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 make further call for bids or proposals in the same manner
as the original call. *A bid conducted by another public agency
for substantially the same purchase shall constitute compliance
with the bid requirements herein.*

3.60.040. Authorization by Mayor Required. Any
contract, except for public works or improvement contracts,
exceeding Seven Thousand Five Hundred dollars ($7500.00) 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.

3.60.050. 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 3.50.030 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 award of a bid by Council)) When
the Council has specifically considered and approved a particular
program in which the amount of the contract and the contracting
parties have been identified, such as awards of bids, funding of
certain programs, or other similar matters, such consideration
shall constitute Council authorization for the purpose of this section.

3.60.060. Professional and Consultant Contracts. This section shall apply to professional and/or technical service consultant contracts in which the City enters into an agreement to purchase consultant services for city government from a corporation, firm, agency, individual, or group of individuals based on their recognized experience and knowledge within a specialized area of expertise.

A. Contract Authorization. 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, they are subject to the authorization requirements of subsection .040 above.

B. Contract Reports. The Mayor or his designee shall prepare and deliver to the City Council's Operations Committee every April and October of each year, or as otherwise directed, a report of all professional and consultant contracts exceeding fifteen thousand dollars ($15,000.00). The report shall include:

1. The individual, firm or entity contracted;
2. The services contracted for;
3. Total cost of the contract services;
4. The term of the contract.

C. Disclosure Statements.

1. Every private consultant firm and/or individual entering into professional and consultant contracts with the City of Kent in excess of fifteen thousand dollars
($15,000.00) shall, prior to performing services for the City, file with the City Clerk a sworn written statement disclosing:

a. Any office or directorship held by any City employee, his or her spouse, or any member of his or her immediate family in the firm or organization providing contract services;

b. Any financial interest held by any City employee, his or her spouse, or any member of his or her immediate family in the firm or organization providing contract services as follows:

   i. Ownership of over five percent (5%) of the stock or other form of interest in the firm or organization providing contract services;

   ii. Receipt of any amount of salary from the firm or individual providing contract services.

c. All contracts between the private consulting firm and/or individual and City of Kent in the five years immediately preceding the presently contemplated contract including the amount of money paid by the City of Kent to the consulting firm and/or individual pursuant to the contract;

d. Any position or positions on any City board, commission, or committee, whether salaried or unsalaried, held by any officer or director of the firm or organization providing contract services;

   i. When awarded the contract, the private consulting firm and/or individual shall not serve on any City board, commission, or committee during the duration of the contract if serving on such board, commission, or committee could result in a conflict of interest with the services to be provided under the contract.
D. Consultant contracts for preparation of environmental documents prepared as required by the State Environmental Policy Act, RCW 43.21C are exempt from the requirements of Section .050 and this Section, .060, however, such contracts are subject to the requirements of Section .040 regarding authorization by the Mayor.

3.60.070. 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.

3.60.080. Waiver. The procurement requirements set forth in subsections .020 and .030 above may be waived by a written determination by the City Administration 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 or that a bid would otherwise not be practicable or in the City's best interests under the circumstances. The City's written determination shall also recite why this situation exists. Actions taken under this section are subject to RCW 39.30.020.

3.60.090. 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.

3.60.100. 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.

3.60.110. Requests for Proposals. In lieu of advertised bids as required in this chapter, requests for proposals may be utilized when deemed appropriate under such terms and conditions determined suitable to meet the needs and requirements of the particular procurement.

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

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

ROGER A. LUBOVICH, CITY ATTORNEY

PASSED the 20 day of April, 1993.
APPROVED the 21 day of April, 1993.
PUBLISHED the 23 day of April, 1993.

I hereby certify that this is a true and correct copy of Ordinance No. 3106, 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

BRENDA JACOBER, CITY CLERK

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