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9-26-89

ORDINANCE NO. 355, 1989

An Ordinance amending C.C.C. Chapter 3.12 regulating Purchasing, Contracts and Bonds for Clallam County to read as follows.

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

Chapter 3.12

Purchasing, Contracts, and Bonds

Sections:

- 3.12.010 Definitions
- 3.12.020 Provisions Mandatory
- 3.12.030 Conflicts of Interest
- ~~((3.12.040) The Purchasing Office~~
- ~~3.12.050 Vendors Catalog File~~
- ~~3.12.060 Standards and Specifications~~
- ~~3.12.070 Periodic Purchases))~~
- 3.12.((080)) 040 Multi-Year Contracts
- ~~((3.12.090) Central Storerooms))~~
- 3.12.((100)) 050 Inspection and Testing
- 3.12.((110)) 060 Surplus
- 3.12.((120)) 070 Purchases and Contracts Under ~~((3,500))~~ \$10,000
- 3.12.((130)) 080 Formal Purchasing and Contract Procedures
- 3.12.085 Small Works Roster
- 3.12.((125)) 090 Purchase of Insurance and Official Bonds
- 3.12.((140)) 100 Subdivision of Purchases Prohibited
- 3.12.((150)) 110 Cooperative Purchasing
- 3.12.((160)) 120 Bond Purchasing Procedures
- 3.12.((170)) 130 Emergency Procedures
- 3.12.((180)) 140 Severability
- 3.12.((190)) 150 Repealer

C.C.C. 3.12.010. Definitions. For purposes of this Chapter, the following terms, phrases, words, and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and vice versa.

(1) "Agency". Any department, agency, commission, bureau, or other unit in the county government using supplies or procuring contractual services as provided for in this Chapter.

(2) "County". The County of Clallam.

(3) "County Commissioners". The Board of Clallam County Commissioners.

(4) "Contractual Services". Includes any services, items, property interests, or benefits not included within the definition of "supplies" provided that, services of attorneys at law; health professionals, including, but not limited to, medical doctors, nurses, dentists and psychologists; architects, professional engineers; registered land surveyors; expert witnesses for litigation or intended litigation; technical consultants and Workmen's Compensation administrative services shall not constitute contractual services for purposes of this ordinance.

~~((5)--"Professional Services"--Those services within the scope of the practice of architecture, professional engineering, registered land surveyor, or special consultants as called for by the Board of County Commissioners.))~~

(5)((6)) "Purchase". Includes "contract", "lease", and "rental".

(6)((7)) "Supplies". Includes all supplies, materials and equipment.

C.C.C. 3.12.020. Provisions Mandatory. Except as herein provided, it shall be unlawful for any county official or employee to make any purchase ~~((or any contract))~~ within the scope of this Chapter ~~((other than through the Purchasing Office; and, any purchase or contract made))~~ contrary to the provisions hereof and any such purchase shall not be approved by the ((Board of)) County Commissioners, and the County shall not be bound thereby.

C.C.C. 3.12.030. Conflicts of Interest. All persons involved in county purchasing are required to follow the regulations regarding conflicts of interest as set forth in the Clallam County Ethics Code as now or hereafter amended and, in addition thereto, are expressly prohibited from accepting, directly or indirectly, from any person, company, firm, or corporation to which any purchase order or contract is or might be awarded, any rebate, gift, money or anything of value whatsoever, except where given for the use and benefit of the County.

~~((C.C.C.--3.12.040.--The Purchasing Office.--There is hereby established the Purchasing Office which shall be under the control and supervision of the County Commissioners.--The Purchasing Agent shall be designated by the Commissioners by resolution and shall head the Purchasing Office.~~

~~-----The Purchasing Agent shall give an official security bond, approved by the Commissioners, in the amount of Ten Thousand Dollars-(\$10,000.00).~~

~~-----The Purchasing Agent shall adopt and may amend rules and regulations for the following purposes, subject to the approval of the Board of Commissioners, by resolution:~~

~~-----((1)--The methods and criteria for Purchasing Agent to authorize, in writing, any agency of the County to purchase directly supplies listed on the list of general supplies created pursuant to Chapter 3.12.070-((1)) and contractual services, and describing the manner in which such purchases shall be made and in the amount in which they may be made;~~

~~-----((2)--Authorizing in writing any agency of the County to purchase any supplies listed on the list of general supplies created pursuant to Chapter 3.12.070-((1)), or contractual services in the open market for immediate delivery in emergencies, defining such emergencies, and describing the manner in which such purchases shall be made and reported;~~

~~----- (3) -- Prescribing the manner in which supplies shall be purchased, delivered, stored, and distributed;~~

~~----- (4) -- Determining each year those commodities, or services, to be acquired under annual contract and authorizing the execution of the necessary procedures to enter into such contracts;~~

~~----- (5) -- Determining the manner in which inspection of deliveries of supplies shall be made; prescribing the manner by which acceptance of such supplies shall be authorized in compliance with specifications;~~

~~----- (6) -- Requiring reports by agencies of stocks in inventory of supplies, and capital assets by nature of goods and value; and prescribing the form of such reports;~~

~~----- (7) -- Prescribing the manner in which claims for supplies and contractual services delivered to any and all departments and agencies of the County shall be submitted, examined, approved and paid;~~

~~----- (8) -- Declaring vendors who default on their quotation unresponsive bidders, and disqualifying them from recruiting any business from the County for a stated period of time; and,~~

~~----- (9) -- Providing for such other matters as may be necessary to give effect to rules and regulations adopted for the above stated proposals and to give effect to the other provisions of this Chapter.~~

~~----- C.C.C. 3.12.050: -- Vendors Catalog File: -- The Purchasing Agent shall prepare, adopt and maintain a vendors¹ catalog file, arranged according to category of supplies and containing descriptions of vendors¹ commodities, prices and discounts.~~

~~----- C.C.C. 3.12.060: -- Standards and Specifications:~~

~~----- (1) -- The Purchasing Agent shall prepare for adoption by the County Commissioners standards and specifications for the minimum number of qualities, sizes, and varieties of supplies necessary for efficient operation of county government.~~

~~----- (2) -- In the adoption or revision of standards and specifications, the Purchasing Office shall seek the advice, assistance and cooperation of the County departments and agencies concerned to ascertain their precise requirements. Each specification shall, insofar as possible, satisfy the requirements of the majority of county departments which use the commodity described.~~

~~----- (3) -- Upon adoption of standards and specifications by resolution of the Commissioners, each standard and specification shall, until revised or rescinded, apply alike to all agencies for every future purchase and contract for the supply described in the respective standards and specifications; provided, however, that any agency by prior approval by resolution of the County Commissioners may be exempted from the operation of standards and specifications for a particular purchase or contract.~~

~~C.C.C. 3.12.070. Periodic Purchases.~~

~~(1) The Purchasing Agent shall prepare and the County Commissioners shall approve by resolution, and may amend, a list of supplies which purchase shall only be made pursuant to the terms of this section.~~

~~(2) All agencies shall file with the Purchasing Agent detailed requisitions or estimates of their requirements for supplies and contractual services, as provided in sub-section (1), in such a manner, at such times, and for such future periods as the Commissioners shall by resolution prescribe.~~

~~(3) The Purchasing Agent shall examine each requisition or estimate and shall have the authority to obtain it as to quantity, quality or estimated cost; but, provision as to quality shall be in accordance with the standards and specifications established pursuant to this Chapter;~~

~~(4) The Purchasing Agent shall not issue any order for supplies or contractual services for any agency until the Auditor shall have certified, after pre-audit, that the unencumbered balance in the appropriation(s) concerned, in excess of all unpaid obligations, is sufficient to defray the cost of such order.~~

~~(5) All agencies may file in the same manner as required under 3.12.070 (2) above, at any time, detailed requisitions or estimates of their requirements in supplies and contractual services, the need for which was not reasonably foreseen at the time detailed requisitions or estimates were required by resolution of the Commissioners, pursuant to 3.12.070 (2) above.)~~

C.C.C. 3.12.((080))040. Multi-year Contracts Authorized. Contracts for those supplies and contractual services identified by County Commissioners' resolution ((pursuant to C.C.C. 3.12.070(1))) may exceed one year in length and require the payment of funds from appropriations of subsequent fiscal years. In no event, however, shall the contracts authorized by this section be for more than ((three-(3))) five (5) years in length.

~~C.C.C. 3.12.090. Central Storerooms.~~

~~(1) The Purchasing Agent shall have the authority to control and supervise storerooms for the storage of supplies pursuant to 3.12.070 above, and shall administer the Storerooms Revolving Fund.~~

~~(2) An annual appropriation shall be made, to be known as the Storerooms Revolving Fund, for the purpose of obtaining supplies for the storerooms.~~

~~(3) Requisitions from supplies in a storeroom shall be credited by the Purchasing Agent to the Storerooms Revolving Fund by a charge against the appropriation of the using agency.~~

~~-----~~(4)~~-----~~The Purchasing Agent shall maintain a perpetual inventory record of all supplies stored in the storerooms.

~~-----~~(5)~~-----~~The head of an agency shall have the authority to submit requisitions to the Purchasing Agent for supplies available from the storerooms. The price of such supplies may reflect the reasonable overhead charges as determined by the Purchasing Agent.

C.C.C. 3.12.((100))050. Inspection and Testing. The ((Purchasing Agent)) Department head or his designee shall inspect ((, or supervise the inspection of,)) all deliveries of supplies or contractual services to determine their conformance with the standards and specification set forth in the order or contract ((; provided, however, that he/she may authorize agencies having the staff and facilities for adequate inspection to inspect all deliveries made to such using agencies under such conditions as he/she may prescribe)).

C.C.C. 3.12.((110))060. Surplus.

(1) All County agencies shall submit to the ((Purchasing Agent)) County Treasurer ((at such times and in such form as the Commissioners may by resolution prescribe,)) when requested by the County Treasurer, reports showing ((stocks of)) all supplies which are no longer used, or which have become obsolete, worn out, or scrapped.

(2) The ((Purchasing Agent)) County Treasurer shall have the authority to sell all supplies which have become unsuitable for public use, or to exchange the same for, or trade the same on, new supplies; provided, however, the provisions of RCW 36.34.020 through RCW 36.34.110, as enacted or hereafter amended, shall govern the procedures for sales under this section.

C.C.C. 3.12.((120))070. Purchases and Contracts Under
(((\$3,500.00))\$10,000.

(1) All purchases of supplies and contractual services of less than the estimated value of ((Three Thousand Five Hundred Dollars-(\$3,500.00),)) Ten Thousand Dollars (\$10,000.00) but more than ((Five Hundred Dollars-(\$500.00),)) One Thousand Dollars (\$1,000.00) ((provided, however, that this lower limit shall be One Thousand Dollars-(\$1,000.00)-for those supplies so designated by resolution of the County Commissioners,)) may be made without newspaper advertisement and without observing the formal purchasing and contracting provisions of 3.12.((130))080. All such purchases shall be based on at least three (3) written competitive bids, and shall be awarded to the lowest responsible bidder or rejected in accordance with ((the standards set forth in)) 3.12.((130))080 (3); provided, however, that if it can be proven by the department head that due to the uniqueness of the supplies, materials or equipment being purchased, there is a limited number of suppliers available, the County Commissioners may waive the minimum requirement of three (3) written estimates.

(2) For purchases under 3.12.~~((120))~~070 (1), written bids ~~((shall))~~ may be solicited by mail or by telephone to prospective vendors ~~((,-including-those-vendors-who-have-requested-their-names-to-be-added-to-a-vendor's-list-which-the-purchasing-agent-shall-maintain,-and-by-public-notice-posted-at-least-three-(3)-days-prior-to-the-purchase,-such-posting-on-the-bulletin-board-of-the-County-Courthouse)).~~ Written bids will be attached to the voucher submitted to the Auditor's office for payment of these purchases.

(3) ~~((The-Purchasing-Agent))~~ Each Department Head or his designee shall keep a record of all purchases under 3.12.~~((120))~~070 (1) and the bids submitted in competition thereon, which bids shall be open to public inspection and shall be available by telephone inquiry.

C.C.C. 3.12.~~((130))~~080. Fomal Purchasing and Contract Procedures.

(1) For all purchases of supplies and contractual services of the estimated value of ~~((Three-Thousand-Five-Hundred-Dollars-(\$3,500.00)))~~ Ten Thousand (\$10,000.00) or more, sealed bids shall be solicited by public notice inserted at least once in each week for two (2) consecutive weeks in a newspaper of County-wide circulation, and at least five (5) calendar days prior to bid opening. The newspaper notice required herein shall include a general description of the supplies or contractual services to be purchased, shall state where bid blanks and specifications may be secured, and shall state the time and place for opening bids. ~~((Sealed-bids-shall-also-be-solicited-by-posting-notice-on-the-public-bulletin-board-in-the-County-Courthouse-for-the-date-of-the-first-newspaper-publication-until-the-time-of-bid-opening. Sealed-bids-shall-also-be-solicited-from-prospective-suppliers-who-have-requested-their-names-to-be-added-to-a-"bidders"-list-which-the-Purchasing-Agent-shall-maintain,-by-sending-them-a-copy-of-such-newspaper-notice-or-other-notice-as-will-acquaint-them-with-the-proposed-purchase-or-sale.))~~

(2) For purchases under 3.12.~~((130))~~080 (1), ~~((the-provisions-of-RCW-36-32-250,-as-enacted-or-hereafter-amended,-shall-apply,-and))~~ it shall be the duty of ~~((the-Purchasing-Agent-to-assist-in))~~ each Department head to implement~~((ation of))~~ those provisions by:

(a) Reviewing final specifications and quantity requirements, preparing bid forms, and initiating the requested bid procedures;

(b) Setting the date and hour of bid acceptance, ~~((presenting resolution-of-intent-to-purchase,-issuing))~~ preparing advertisements and calls for bids ~~((subsequent-to-approval-of-resolution))~~ for consideration by the County Commissioners;

(c) Filing copy of bid specifications with the Clerk of the County Commissioners, and providing copies of bid ~~((specifications))~~ documents for vendors ~~((and-posting-all-proper-notices));~~

(d) Seeing that the Clerk of the County Commissioners receives and holds bids for the ~~((Board))~~ County Commissioners until time of opening. Bids shall be submitted sealed to the Clerk of the County Commissioners and shall be identified as bids on the envelopes. Bids shall be opened and read in public at a meeting of the County Commissioners at the time and place stated in the public notices;

(e) Tabulating, evaluating and submitting recommendations of award, and preparing and transmitting notification of award to successful bidders upon approval of the County Commissioners;

(f) Maintaining records on bid performance on advising the Prosecuting Attorney's Office in the event of breach or suspected breach of contract.

(3) Contracts ((shall)) may be awarded to the lowest responsible bidder or any or all bids may be rejected and further calls for bids may be made in the same manner as the original call. On determining "lowest responsible bidder", in addition to price, the following shall be considered;

(a) The ability, capacity and skill of the bidder to perform the contract or provide the service required;

(b) Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;

(c) The bidder's capacity to demonstrate his ability to perform the contract or provide the service in a manner which is conducive to the prudent use of energy and natural resources;

(d) The quality of performance of previous contracts or services;

(e) The previous and existing compliance by the bidder with laws and ordinances relating to the contract of service; and,

(f) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service. A contractor in default on the payment of taxes or other monies due the County shall not have its bid accepted;

(g) The quality, availability and adaptability of the supplies or contractual services to the particular use required;

(h) The ability of the bidder to provide future maintenance and service for the use of the subject of the contract; and,

(i) The number and scope of conditions attached to the bid.

~~((4)--In-determining-the-"lowest-responsible-bidder"-for-professional services-contracts,-in-addition-to-the-criteria-set-forth-in-3.12.130-(3), the-following-shall-be-considered;-(a)-professional-background,-(b)-past record-and-experience,-(c)-number-and-qualifications-of-personnel,-(d) competence,-and-(e)-such-other-factors-as-may-be-determined-by-the-Board-to be-applicable-))~~

(4)((5)) When bids are not rejected and a contract is not awarded to the lowest bidder, a full and complete statement of the reasons therefor shall be prepared by the Department head ((Purchasing-Agent)) and filed with any other papers relating to the transaction.

(5)((6)) If two (2) or more lowest responsible bids are for essentially the same unit price or total amount, and are equivalent in quality, the County shall reserve the right to award the contract first to that bidder from the County, and second to that bidder from the State of Washington. If these conditions do not dispose of the situation, the contract shall be awarded to one (1) of the tie bidders by drawing lots in public.

(6)((7)) All contracts shall be approved as to form ((and-legal requirements)) by the Prosecuting Attorney.

C.C.C. 3.12.085. Small Works Roster.

(1) A small works roster shall be maintained for public work projects which roster shall be comprised of all contractors requesting to be on the roster and who are, where required by law, properly licensed or registered to perform work in the state of Washington. Whenever possible, participation by women and minority contractors shall be actively solicited.

(2) Whenever projects are done by contract for which the estimated cost is one hundred thousand dollars (\$100,000.00) or less, proposals from appropriate contractors on the small works roster shall be invited. Such invitation shall include an estimate of the scope and nature of the work to be performed as well as materials and equipment to be furnished. Whenever possible, not less than five separate appropriate contractors shall be requested to submit proposals on any individual contract.

Once a contractor on the small works roster has been offered an opportunity to submit a proposal, that contractor shall not be offered another opportunity on any contract until all other appropriate contractors, including minority and women contractors, have been afforded an opportunity to submit a proposal on a contract.

(3) When considering awarding a public work contract the estimated cost of which is one hundred thousand dollars (\$100,000.00) or less, the contract shall be awarded or bids rejected in conformance with C.C.C. 3.12.080 (3) and (4).

C.C.C. 3.12.((125))090. Purchase of Insurance and Official Bonds. The formal sealed bidding process shall not be required for the acquisition of insurance and bonds for county officials and employees.

When the acquisition of insurance or official/employee bonds is required by law or deemed necessary by the ((Board-of)) County Commissioners, the ((Board)) County Commissioners shall award insurance and bond purchases to the most competitive firm based on cost and the firm's experience in: a) insurance placement; b) loss control services; c) claims administration; and d) risk management information systems.

A complete record of all proposals and transactions leading to the award of the project shall be kept.

C.C.C. 3.12.((140))100. Subdivision of Purchases Prohibited. No contract or purchase shall be subdivided to avoid the requirement of this Chapter.

Dollar limits will be determined, not per item, but per purchase event. To determine the full cost of an item(s), the following criteria are applicable: (a) Cost before any trade-in; (b) Include the cost of shipping; and (c) exclude sales tax.

Simultaneous purchases of supplies or contractual services which are unrelated or otherwise not constituent parts of a larger item or service do not constitute "subdivisions" or "purchase events", for purposes of this section.

C.C.C. 3.12.~~((150))~~110. Cooperative Purchasing. ~~((The-Purchasing-Agent shall))~~ Each Department head shall have authority to join with other units of government in cooperative purchasing plans pursuant to RCW 39.34, as enacted or hereafter amended, when the best interests of the County would be served thereby, provided that each of the participating units shall be separately invoiced by the vendors for purchases made under such plans, that proper County Agreements be formulated, defined with respect to County obligations, and form approved by the County Prosecutor prior to entering interlocal agreement plans; and, provided further that Clallam County shall not be obligated for purchases other than those required for its own use; and, provided further that all such agreements referred to in this section shall be subject to approval by the ~~((Board-of))~~ County Commissioners.

C.C.C. 3.12.~~((160))~~120. Bond Purchasing Procedures. General obligation bonds, except refunding bonds, shall be sold at public sale after publication of notice thereof in the official County newspaper at the times required by state law. Revenue bonds, bonds payable solely from assessments, warrants, or other evidence of indebtedness shall be sold either at public sale or by negotiation, as the County Commissioners shall determine to be in the best interest of the County. Refunding bonds may be issued for the purposes permitted by state law and may be sold at public sale or by negotiation, as the County Commissioners shall determine to be in the best interest of the County.

C.C.C. 3.12.~~((170))~~130. Emergency Procedures. When an apparent emergency exists, such as it appears the public interest or property of the County would suffer material injury or damage by delay, the ~~((Purchasing-Agent))~~ Department head may, upon preparing a report for the County Commissioners declaring the existence of such apparent emergency and reciting the facts constituting the same, waive the provisions of 3.12.~~((120))~~070 to the extent necessary to overcome the apparent emergency; and the County Commissioners may, by resolution declaring the existence of such apparent emergency and reciting the facts constituting the same, waive the provisions of 3.12.~~((130))~~080 to the extent necessary to overcome the apparent emergency.

C.C.C. 3.12.~~((180))~~140. Severability. If any section, sub-section, paragraph, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Chapter; it being herein expressly declared that this chapter and each section, sub-section, paragraph, sentence, clause and phrase thereof would have been adopted irrespective of the fact that one (1) or more other sections, sub-sections, paragraphs, sentences, clauses, or phrases be declared invalid or unconstitutional.

C.C.C. 3.12.((190))150. Repealer. Resolution No. 1, 1977 is hereby repealed, provided that, should any provision of this chapter also addressed in Resolution No. 1, 1977 be declared invalid or unconstitutional, then the provisions of Resolution No. 1, 1977 shall be applicable and enforceable.

PASSED AND ADOPTED THIS 26th DAY OF September, 1989.

BOARD OF CLALLAM COUNTY COMMISSIONERS

Dorothy Duncan
Dorothy Duncan, Chair

Lawrence Gaydeski
Lawrence Gaydeski

Dave Cameron
Dave Cameron

ATTEST:

Karen Flores
Karen Flores
Clerk of the Board

Cross References:
RCW 35.23.352
Laws of 1989, Chapter 244