

*amended by Ordinance # 165 1982
amended by Ordinance No. 226*

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Clallam County Commissioners
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ORDINANCE NO. 76 1977

AN ORDINANCE
establishing procedures for purchasing
supplies, services, materials and equipment,
the awarding of contracts and the sale
or refunding of bonds;

and adopting a chapter in the Clallam County Code. (C.C.C.)

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 Central Storerooms
- 3.12.090 Inspection and Testing
- 3.12.100 Surplus
- 3.12.110 Purchases and Contracts Under \$3,500
- 3.12.120 Formal Purchasing and Contract Procedures
- 3.12.130 Subdivision of Purchases Prohibited
- 3.12.140 Cooperative Purchasing
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- 3.12.160 Emergency Procedures
- 3.12.170 Severability
- 3.12.180 Repealer

C.C.C. 3.12.010. Definitions. For purposes of this Chapter, the following terms, phrases, words, and their derivations shall have the

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meanings given herein. When not inconsistent with the context, words used in the present ~~By 1st~~ ~~2nd~~ ~~3rd~~ 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".

(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.

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

(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 shall not be approved by the Board of 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 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

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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 pre-

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scribing 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 irresponsible 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 vendors' catalog file, arranged according to category of supplies and containing descriptions of vendors' 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

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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. 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 Store-rooms Revolving Fund, for the purpose of obtaining supplies for the store-rooms.

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(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. 3.12.090. Inspection and Testing. The Purchasing Agent shall inspect, or supervise the inspection of, all deliveries or 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. 3.12.100. Surplus.

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

(2) The Purchasing Agent 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. 3.12.110. Purchases and Contracts Under \$3,500.00.

(1) All purchases of supplies and contractual services of less than the estimated value of Three Thousand Five Hundred Dollars (\$3,500.00), but more than Five Hundred Dollars (\$500.00), 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

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advertisement and without observing the formal purchasing and contracting provisions of 3.12.120. All such purchases shall be based on at least three (3) competitive bids, and shall be awarded to the lowest responsible bidder in accordance with the standards set forth in 3.12.120 (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 Commissioners may waive the minimum requirement of three (3) written estimates.

(2) For purchases under 3.12.110 (1), bids shall 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.

(3) The Purchasing Agent shall keep a record of all purchases under 3.12.110 (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. 3.12.120. Formal 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) 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.

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(2) For purchases under 3.12.120 (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 implementation of those provisions by:

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

(b) Setting the date and hour of bid acceptance, presenting resolution of intent to purchase, issuing advertisements and calls for bids subsequent to approval of resolution;

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

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

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- (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 or 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 3.12.120 (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.

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

(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.

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

C.C.C. 3.12.130. Subdivision of Purchases Prohibited. No contract or purchase shall be subdivided to avoid the requirement of this Chapter.

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CCC. 3.12.140. Cooperative Purchasing. The Purchasing Agent 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. 3.12.150. 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. 3.12.160. 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 may, upon preparing a report for the Commissioners declaring the existence of such apparent emergency and reciting the facts constituting the same, waive the provisions of 3.12.110 to the extent necessary to overcome the apparent emergency; and the Commissioners may, by resolution declaring the existence of such apparent emergency and reciting the facts constituting the same, waive the provisions of 3.12.120 to the extent necessary to overcome the apparent emergency.

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C.C.C. 3.12.170. 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. 3.12.180. 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.

ADOPTED THIS 23rd DAY OF NOVEMBER, 1977.

BOARD OF CLALLAM COUNTY COMMISSIONERS

Howard N. Doherty, Jr.
Howard N. Doherty, Jr., Chairman

Dick Lotzgesell
Dick Lotzgesell

Ronald N. Richards
Ronald N. Richards

ATTEST:

Alice C. Thorne
Alice C. Thorne, Auditor
and Clerk of the Board