

ORDINANCE NO. 446

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON,
REVISING PURCHASING PROCEDURES AND AMENDING
CHAPTER 2.60 OF THE SHORELINE MUNICIPAL CODE**

WHEREAS, the City Council adopted an ordinance regulating the procurement of goods and services in conformance with state law and recommended business practices; and

WHEREAS, there is a desire to amend the adopted ordinance to facilitate more effective procurement procedures; and

**NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF
SHORELINE, WASHINGTON, DO ORDAIN AS FOLLOWS:**

Section 1. Amendment. SMC 2.60.030 *Definitions* is hereby amended to read as follows:

B. "Nonprofessional services" are services that are purchased by the city in which the contractor receives specific instructions and guidance from the city and does not meet the definition of professional services, architectural and engineering services, or ~~public works projects~~ services required to pay prevailing wages. Examples include machine repair, debt collection services, temporary service agencies, credit card services, equipment service agreements, auctioning services, delivery services, inspections, advertising, etc.

Section 2. Amendment. SMC 2.60.040 D. *Amendments and Change Orders* is hereby amended to read as follows:

D. Amendments and Change Orders.

1. Amendments or change orders to contracts, including interlocal agreements, which result in the final contract amount in excess of purchase limits identified in this chapter may be administratively approved if the changes are:

- a. Within the scope of the project or purchase;
- b. Executed in writing;
- c. The amount in excess of the city manager's purchase limits will not exceed \$50,000.

2. Contract amendments that are strictly a change in contract expiration date may be administratively approved.

3. The value of all change orders will be aggregated, and when any single amendment or combination of change orders on the same project or purchase exceeds the limit under subsection (D)(1)(c) of this section the change must be approved by the city council, except:

a. For service contracts to accomplish an ongoing city program rather than a discrete project, the aggregation of administrative change orders shall be recalculated after each contract year; and

b. Where the size of the contract makes it probable that administrative change order authority will be quickly exhausted, the city council may, upon recommendation of the city manager, extend the aggregate limits of subsection (D)(1)(c) of this section upon award of the particular contract.

c. A contract amendment approved by the city council under this subsection 2.60.040 (D)(3) shall allow new administrative amendments or change orders to the amended contract that satisfy the requirements of subsection 2.60.040(D)(1).

Section 3. Amendment. SMC 2.60.070 *Services*, is hereby amended to read as follows:

2.60.070 *Services*.

A. **Purchasing Limitations.** Purchase limitations apply to the cost related to the acquisition of services to fill a specific business need. Cost is inclusive of any required sales tax and related expenses.

1. Contracts or task orders under an on-call agreement to purchase services equal to or less than \$50,000 may be executed by the city manager.

2. Contracts to purchase services greater than \$50,000 shall be authorized by the city council.

B. **Contract Required.** The purchase of services require that the city enter into a contract for that service, with the exception of temporary employment agency services, and standard services with a total cost of \$3,000 or less in a calendar year, such as auto repair, title reports, printing and messenger/process service. Departments are allowed to make these purchases administratively in accordance with procedures adopted and approved by the finance director and city manager.

C. **On-Call Service Contracts.** On-call service contracts will be procured with the processed identified in subsection D of this section. Individual task orders of on-call service contracts shall not exceed \$50,000.

D. **Process.**

1. **Architectural, Landscape Architectural, and Engineering Services Contracts.** Procedures set forth in Chapter 39.80 RCW shall be followed for contracts for architectural and engineering services, as defined in RCW 39.80.020.

a. **Roster.** Annually the city will publish in advance the anticipated city's requirements for architectural, landscape architectural, and engineering services and its acceptance of statements of qualifications for contractors interested in providing these services.

b. **Contracts Less Than \$50,000.** Contracts that have an estimated cost of less than \$50,000 can be procured using an informal request for qualification process. This process requires the city representative to develop a written scope of the project and any criteria used to select the service provider and then select a

qualified contractor from the city's architectural, landscape architectural, and engineering service roster. If the city representative does not choose to use the appropriate roster, then a formal request for qualification process must be followed.

c. **Contracts Greater Than \$50,000.** Contracts that have an estimated cost in excess of \$50,000 must use a formal request for qualification (RFQ) process. The development of an RFQ along with the proper public notification shall be made in accordance with procedures adopted by the finance department in the best interest of the city; provided, however, that the city manager may in the following circumstances waive the RFQ process for contracts greater than \$50,000, and allow the acquisition of services from the city's architectural, landscape architectural and engineering services roster:

i. It is deemed in the best interest of the city to expedite the acquisition of services; or

ii. It can be demonstrated that there are sufficient consultants on the roster that possess the required qualifications to perform the scope of work; or

iii. A consultant on the city's roster has previously provided satisfactory service to the city, has previously provided services related to the specific project, and has the qualifications to perform the scope of work.

This process shall be used before any contract which is renewed or extended for an aggregate amount in excess of \$50,000 from the commencement of the contract, whether or not options for additional terms were included in the original contract.

~~d. **Contract Required.** A contract is required to purchase architectural, landscape architectural, and engineering services.~~

2. **Professional and Nonprofessional Services (Excluding Nonarchitectural Architectural, Landscape Architectural, and Engineering Services).**

a. **Contracts Less Than \$50,000.** Contracts that have an estimated cost of less than \$50,000 can be procured using an informal request for proposal process. This process requires the city representative develop a written scope of the project and any criteria used to select the service provider. The city representative will use this information when selecting the contractor to provide the services. Multiple proposals are optional and at the discretion of the department director. If multiple proposals are used to make a selection, a standard process must be used for obtaining all proposals.

b. **Contracts in Excess of \$50,000.** Service contracts that have an estimated cost in excess of \$50,000 shall be procured using a formal request for proposal (RFP) process. The development of an RFP along with the proper public notification shall be made in accordance with procedures adopted by the finance

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department in the best interest of the city; provided, however, that the city manager may in the following circumstances waive the RFP process for contracts greater than \$50,000:

i. It is deemed in the best interest of the city to expedite the acquisition of services; or

ii. It can be demonstrated that specialized expertise, experience or skill is needed for a successful outcome and outweighs potentially lower price proposals; or

iii. A consultant has previously provided satisfactory service to the city related to the specific project, and has the qualifications to perform the scope of work.

This process shall be used before any contract which is renewed or extended for an aggregate amount in excess of \$50,000 from the commencement of the contract, whether or not options for additional terms were included in the original contract.

~~e. Contract Required. A contract is required to purchase professional and nonprofessional services.~~

Section 4. Amendment. SMC 2.60.090 *Real property acquisition* is hereby amended to read as follows:

2.60.090 Real property acquisition.

A. Real Property – Manager’s Acquisition Authority. The city manager or his designee is authorized, in the following instances, to accept by gift or acquire dedications, easements, rights-of-way, fee estates or other interests in real property for use by or on behalf of the city or any department of the city by threat of eminent domain.

1. Minor Acquisitions. Any such acquisition where the purchase price is \$10,000 or less. ~~less than \$10,000.~~

2. Approved Projects. Any such acquisition which is part of an approved and funded project included in the city’s capital improvement plan or a local improvement district ordered by the council, the cost of the property is \$50,000 or less ~~less than \$50,000~~ and does not exceed 10 percent of the fair market value of the property as determined by the city’s appraiser or review appraiser. For projects in the city’s capital improvement plan, the city manager is authorized to convey city council’s intent that these projects will be accomplished with the use of eminent domain if necessary.

All other real property acquisitions will be submitted to the council for approval.

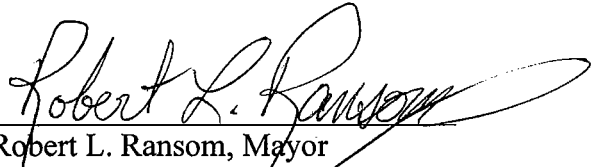
B. Real Property – Manager’s Leasing Authority.

1. The city manager or his designee is authorized to execute leases of real property on behalf of the city where the term of the lease does not exceed one year and the consideration does not exceed \$50,000 per year.

2. A lease that exceeds the limits stated in subsection (B)(1) of this section, will be submitted to the council for approval.

Section 5. Effective Date. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in full force five (5) days after publication.

PASSED BY THE CITY COUNCIL ON MARCH 19, 2007.

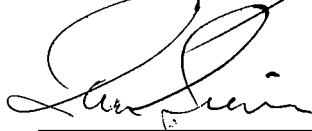

Robert L. Ransom, Mayor

ATTEST:

APPROVED AS TO FORM:



Scott Passey
City Clerk



Ian Sievers
City Attorney

Date of Publication: March 22, 2007
Effective Date: March 27, 2007

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