

ORDINANCE NO. 2002 - 06 - 043

**AN ORDINANCE OF THE CITY OF BELLINGHAM, WASHINGTON AMENDING SECTION 4.80.010 OF THE BELLINGHAM MUNICIPAL CODE REGARDING PUBLIC BIDDING REQUIREMENTS FOR PUBLIC WORK CONTRACTS.**

**WHEREAS**, Section 4.80.010 of the Bellingham Municipal Code ("BMC") sets forth the City's general public bidding requirements; and,

**WHEREAS**, Chapter 94, Laws 2002 (House Bill 2527), amended RCW 35.22.620 to reflect new bid limits for first class cities, including the City of Bellingham; and,

**WHEREAS**, the revised bid limits conflict with City's limits in BMC 4.80.010;

**NOW, THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:**

**Bellingham Municipal Code 4.80.010 is hereby amended to read as follows:**

**4.80.010 - Bidding Requirement Generally**

A. Except as may otherwise be required by law, any purchase of supplies, material, or equipment, except for public work or improvement, shall be made pursuant to written City policy and procedures.

B. Any "public work" or improvement (including supplies, material and equipment in connection therewith), as defined herein, shall be made upon call for bids when required by applicable state law.

C. As an alternative to subsection B above, for public works or improvements of up to the maximum amount allowed pursuant to State law or less there may be established one or more "small works rosters" to be used in lieu of formal sealed bidding, as follows:

1. There may be created small works rosters for one or more categories of work and for one or more dollar thresholds.

2. Each roster shall consist of all responsible contractors who have requested to be on the list and who are properly licensed or registered to perform such work.

3. At least once a year, if practicable, the city shall publish in a newspaper of general circulation within the jurisdiction of notice of the existence of the roster(s) and solicit the names of contractors for such roster(s).

4. There shall be established a procedure for securing written or faxed price quotes from contractors on a roster, and the contract shall be awarded to the lowest responsible bidder.

5. Invitations for price quotes shall include an estimate of the scope and nature of the work to be performed as well as materials and equipment to be furnished.

Ordinance Revising BMC 4.80.010  
Regarding Bidding Requirements - 1

City of Bellingham  
CITY ATTORNEY  
210 Lottie Street  
Bellingham, Washington 98225  
Telephone (360) 676-6903

Detailed plans and specifications do not need to be included; however, this does not eliminate other requirements for architectural or engineering approvals as to quality and compliance with building codes.

6. Whenever possible at least 5 contractors shall be invited to submit bids. If there are not 5 contractors available or remaining on the roster, quotes may be requested from fewer than 5 or from contractors from which quotes have been previously obtained.

7. A contract awarded pursuant to the small works process need not be advertised; however, immediately after the award is made, the quotations shall be open to public inspection and available by telephone inquiry.

D. The term "public work", as used herein, means as defined in RCW 39.04.010, as currently enacted or hereinafter amended.

E. The following shall also be exempt from the formal bid process:

1. Consultant service, professional service and personal service contracts; provided, solicitation of proposals may be undertaken when necessary to insure competitive prices or when required by applicable state law or City policy;

2. Where patents require the procurement of a particular brand to insure compatibility with existing equipment and the prices for such item are fixed;

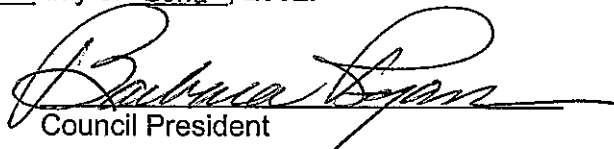
3. Where, after due inquiry, the purchasing superintendent determines that a sole source of supply exists, thereby rendering the bidding process futile; provided, the purchasing superintendent shall append to the requisition a statement setting forth the facts which verify the conclusion that a single source of supply exists;

4. Where formal bids have been solicited and no response is received;

5. Contracts awarded due to an emergency as defined by RCW 39.04.280, as may be amended; provided, however, that the City Council finds in a written resolution that an emergency existed and that Council passes the resolution no later than two (2) weeks following the award of the emergency contract;

6. Purchases of items for which the State Department of Purchasing or other governmental entity has established a price by the solicitation of bids and which have been authorized for use by municipalities.

PASSED by the Council this 10TH day of JUNE, 2002.

  
Council President

APPROVED by me this 25<sup>th</sup> day of June 2002.

Mark Abundson  
Mayor

Attest: Therese Hol  
Finance Director

Approved as to form: Les E. Reardon  
Office of the City Attorney

Published: 6/14/02