

First Reading: September 8, 2014

Second Reading: September 22, 2014

ORDINANCE NO. 2014 - 11



AN ORDINANCE of the City of Sunnyside, Washington, Amending Section 2.04.010 City Manager "Created" and Creating Section 2.04.020 "Purchasing Authority" and Creating Chapter 2.92 "Vendor List" and Creating Section 2.92.010 "Purpose" and Creating Section 2.92.020 "Vendor List Process."

WHEREAS, the State legislature created RCW 35A.13 to specifically address the powers and duties of City Managers under Optional Code Cities; and

WHEREAS, the City of Sunnyside desires to have the City Manager be able to purchase and contract for materials, supplies and equipment up to \$7,500 not connected to a public works project.

WHEREAS, RCW 39.04.190, regarding purchase of materials, supplies or equipment not connected to a public works project, allows certain purchasing contracts to be awarded by a vendor list process; and

WHEREAS, in order to be able to implement vendor list process, the City of Sunnyside is required by law to adopt an ordinance establishing specific procedures;

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON, as follows:

SECTION 1. That Section 2.04.010 entitled "Created" of the Sunnyside Municipal Code shall be and hereby is amended and shall read as follows:

2.04.010 Created.

~~See Chapter 35.18 RCW for statutes relating to the appointment, duties and powers of the City Manager. [1956 Code § 1-801.]~~

See Chapter 35A.13 RCW for statutes relating to the appointment, duties and powers of the City Manager.

SECTION 2. That a new Section 2.04.020 entitled "Purchasing Authority" of the Sunnyside Municipal Code shall be and hereby is created and shall read as follows:

2.04.020 Purchasing Authority.

The City Manager is authorized to purchase and contract for materials, supplies or equipment not connected to a public works project in an amount of \$7,500 or less. The City Manager is not required to use informal or formal sealed bidding procedures or the procedures set forth in this ordinance for the purchase of any materials, supplies, or equipment where the cost of same will

not exceed \$7,500. The City Manager will attempt to obtain the lowest practical price for such goods and services. The City Manager will make the City Council aware of purchases or contracts related to this authority at the next Regular Meeting.

SECTION 3. That a new Chapter 2.92 entitled “Vendor List” and a new Section 2.92.010 entitled “Purpose” and new Section 2.92.020 entitled “Vendor List Process” of the Sunnyside Municipal Code shall be and hereby is created and shall read as follows:

2.92 Vendor Lists.

2.92.010. Purpose.

The purpose of this chapter is to allow certain purchasing contracts of materials, supplies or equipment in an amount between \$7,500 and \$15,000, not connected to a public works project, to be awarded by a vendor list process.

2.92.020. Vendor List Process.

Purchase of materials, supplies or equipment not connected to a public works project in an amount between \$7,500 and \$15,000. The following purchasing procedures are established for use by the City of Sunnyside pursuant to RCW 39.04.190:

1. Publication Of Notice. At least twice a year, the City of Sunnyside shall publish, in the City's official newspaper, notice of the existence of a roster(s) of vendors for materials, supplies, and equipment, and shall solicit names of vendors for the roster.

2. Telephone Quotations. The City of Sunnyside shall use the following process to obtain telephone quotations from vendors for the purchase of materials, supplies, or equipment:

a. A written description shall be drafted of the specific materials, supplies, or equipment to be purchased, including the number, quantity, quality, and type desired, the proposed delivery date, and any other significant terms of purchase;

b. A City of Sunnyside representative shall make a good faith effort to contact at least three (3) of the vendors on the roster to obtain telephone solicitation quotations from the vendors for the required materials, supplies, or equipment;

c. The City of Sunnyside representative shall not share telephone quotation from one vendor with other vendors solicited for the bid on the materials, supplies, or equipment;

d. A written record shall be made by the City of Sunnyside representative of each vendor's bid on the material, supplies, or equipment, and of any conditions imposed on the bid by such vendor;

e. The City of Sunnyside representative shall present to the City Manager all telephone quotations and a recommendation for award of the contract to the lowest responsible bidder.

3. Determining the Lowest Responsible Bidder. The City of Sunnyside shall purchase the materials, supplies or equipment from the lowest responsible bidder, provided that whenever there is reason to believe that the lowest acceptable bid is not the best price obtainable, all bids may be rejected and the City of Sunnyside may call for new bids. The City of Sunnyside, in determining the lowest responsible bidder may take the following factors, in addition to price, into account:

- (a) Any preferences provided by law to Washington products and vendors;
- (b) The quality of the materials, supplies, and equipment to the City's specifications;
- (c) The conformity of the materials, supplies, and equipment to the City's specifications;
- (d) The purposes for which the materials, supplies, or equipment are required;
- (e) The times for delivery of the materials, supplies, or equipment;
- (f) The character, integrity, reputation, judgment, experience, and efficiency of the bidder;
- (g) Such other information as may have a bearing on the decision to purchase the materials, supplies, or equipment.

4. Award. The City Manager shall review quotations and recommendation by city staff and award the contract to the lowest responsible bidder. A written record of each vendor's quotations shall be made open to public inspection or telephone inquiry after the award of the contract. Any contract awarded under this subsection need not be advertised.

5. Posting. A list of all contracts awarded under these procedures shall be posted at the City of Sunnyside main administrative offices once every two months. The list shall contain the name of the vendor awarded the contract, the amount of the contract, a brief description of the items purchased, and the date it was awarded.

SECTION 4. The resolution adopted and imposed on April 24, 2006 pursuant to Resolution No. 2006-25 shall terminate upon the date this ordinance becomes effective in accordance with the provisions of Section 5 below.

SECTION 5. This Ordinance shall take full force and effect on 29th day of September, 2014, after its approval, passage and publication as required by law.

PASSED this 22nd day of September, 2014.



JAMES A. RESTUCCI, MAYOR

ATTEST:



DELILAH SAENZ, CMC, CITY CLERK

APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to be "Kerr", written over a horizontal line.

KERR LAW GROUP, PLLC
Attorneys for the City of Sunnyside