

RESOLUTION NO. 12-03

FEBRUARY 6, 2012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILLWOOD, WASHINGTON, ESTABLISHING A VENDOR LIST PROCESS FOR PURCHASING OF SUPPLIES, MATERIALS AND EQUIPMENT UNRELATED TO A PUBLIC WORKS PROJECT; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, the City of Millwood (the "City"), Spokane County, Washington is a non-charter code city, by virtue of the Constitution and laws of the State of Washington; and

WHEREAS, pursuant to chapter 35A.11 RCW, the City Council (the "Council") may adopt and enforce ordinances and resolutions of all kinds relating to and regulating its local or municipal affairs and appropriate to the good government of the City; and

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 Council is required by law to adopt a resolution establishing specific procedures for the City;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MILLWOOD, WASHINGTON, HEREBY RESOLVE AS FOLLOWS:

Section 1. Purchase of Materials, Supplies or Equipment Unrelated to a Public Works Project in an Amount of \$1,000 or Less. The City is not required to use informal or formal sealed bidding procedures or the procedures set forth in this resolution to purchase materials, supplies, or equipment for the purchase of any materials, supplies or equipment where the cost of the same will be an amount of \$1,000 or less. The City will exercise best efforts to obtain the reasonable practical price for such goods and services.

Section 2. Purchase of Materials, Supplies or Equipment Unrelated to a Public Works Project in excess of \$1,000 but Not to Exceed \$15,000.

A. Publication Of Notice. At least twice a year, the City 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 such roster.

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

i. 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;

ii. A City 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;

iii. The City representative shall not share any telephone quotation from any vendor with any other vendor solicited for the bid on the materials, supplies, or equipment;

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

v. Depending on the amount of the purchase, the City representative shall present to his or her City department manager or Mayor, as may be appropriate, all telephone quotations and a recommendation for award of the contract to the lowest responsible bidder.

C. Determining the Lowest Responsible Bidder. The City shall purchase the materials, supplies or equipment from the "lowest responsible bidder," as such term is defined in RCW 43.19.1911(9), provided that whenever there is reason to believe that the lowest acceptable bid is not the lowest reasonable price, all bids may be rejected and the City may call for new bids. The City, in determining the lowest responsible bidder, may consider the following elements set forth in RCW 43.19.1911(9):

i. The ability, capacity, and skill of the bidder to perform the contract or provide the service required;

ii. The character, integrity, reputation, judgment, experience, and efficiency of the bidder;

iii. Whether the bidder can perform the contract within the time specified;

iv. The quality of performance of previous contracts or services;

v. The previous and existing compliance by the bidder with laws relating to the contract or services; or

iv. Such other information as may be secured having a bearing on the decision to award the contract: PROVIDED, That in considering bids for purchase, manufacture, or lease, and in determining the "lowest responsible bidder," whenever there is reason to believe that applying the "life cycle costing" technique to bid evaluation would result in lowest total cost to the state, first consideration shall be given by state purchasing activities to the bid with the lowest life cycle cost which complies with specifications. "Life cycle cost" means the total cost of an item to the state over its estimated useful life, including costs of selection, acquisition, operation, maintenance, and where applicable, disposal, as far as these costs can reasonably be determined, minus the salvage value at the end of its estimated useful life. The "estimated useful life" of an item means the estimated time from the date of acquisition to the date of replacement or disposal, determined in any reasonable manner. Nothing in this section shall prohibit any state agency, department, board, commission, committee, or other state-level entity from allowing for preferential purchase of products made from recycled materials or products that may be recycled or reused.

D. Award of Contract for Purchase. The City shall use the following process to award any contract for the purchase of materials, supplies, or equipment:

i. For any purchase of materials, supplies or equipment unrelated to a public works projects in excess of \$1,000 but not greater than \$7,500, the manager for the City department responsible for such purchase shall review quotations and any recommendation by City staff and award the contract to the lowest responsible bidder.

ii. For any purchase of materials, supplies or equipment unrelated to a public works project of \$7,500 or more but not greater than \$15,000, the Mayor shall review quotations and any recommendation by City staff and award the contract to the lowest responsible bidder.

iii. For any award of contract for purchase pursuant to this Resolution, 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.

E. Posting. A list of all contracts with a value of \$7,500 or more but not greater than \$15,000 awarded under these procedures shall be posted at City Hall 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 3. Severability: If any section, sentence, clause, or phrase of this resolution should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this resolution.

Section 4. Repeal: All resolutions, laws, and regulations, or parts thereof in conflict with this resolution are, to the extent of said conflict, hereby repealed.

Section 5. Effect: This resolution shall be in full force and effect upon adoption by the Council.

ADOPTED BY THE COUNCIL OF THE CITY OF MILLWOOD THIS 6TH DAY OF FEBRUARY, 2012.

DANIEL N. MORK, MAYOR

Attest:

THOMAS G. RICHARDSON, CLERK

STATE OF WASHINGTON)
)ss:
County of Spokane)

Thomas G. Richardson, being first duly sworn on oath deposes and says:

I am the Clerk of the City of Millwood, Washington, and the foregoing resolution entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILLWOOD, WASHINGTON, ESTABLISHING A VENDOR LIST PROCESS RELATING TO PURCHASING OF SUPPLIES, MATERIALS AND EQUIPMENT UNRELATED TO A PUBLIC WORKS PROJECT; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO" is the true and correct copy of the City of Millwood's Resolution numbered 12-03 and that the same was posted and published according to law.

Thomas G. Richardson
SUBSCRIBED AND SWORN TO BEFORE ME THIS ____ DAY OF _____, 2012.

Notary Public in and for the State of Washington, residing at _____.
My Commission expires _____.