

**CITY OF MONROE
ORDINANCE NO. 006/2018**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROE, WASHINGTON, REPEALING MMC CHAPTER 3.24, BIDDING PROCEDURES AND CHAPTER 3.25, APPROVAL OF CONTRACTORS FOR ARCHITECTURAL AND ENGINEERING SERVICES; REPEALING AND AMENDING DESIGNATED SECTIONS OF CHAPTER 3.26, PUBLIC WORK OR IMPROVEMENT; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City of Monroe (hereinafter referred to as City) requires the ability to let public works projects as allowed by the Revised Code of Washington (RCW); and

WHEREAS, the City requires the ability to enter into personal and professional services contracts, inclusive of architectural and engineering services, as allowed by RCW; and

WHEREAS, the City desires to identify appropriate internal controls and ethical considerations regarding its procurement activities; and

WHEREAS, the City desires to incorporate the appropriate Federal Uniform Purchasing Guidelines with regards to the expenditure of federal funds; and

WHEREAS, the City wishes to conduct its operations in a prudent, efficient, and cost effective manner; and

WHEREAS, the City Council recognizes that appropriate delegation to the administration regarding procurement processes can improve efficiencies; and

WHEREAS, the City Council has approved Resolution No. 005/2018, Adopting a New Procurement Policies and Procedures Manual.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROE, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

Section 1. Repealer of MMC 3.24. Monroe Municipal Code Section 3.24, Revenue and Finance – Bidding Procedures, is hereby repealed in its entirety.

**Chapter 3.24
BIDDING PROCEDURES**

(Repealed by Ord. 006/2018)

~~[3.24.010 — COMPLIANCE WITH NOTICE OF INVITATION AND REGULATIONS. ALL BIDS OFFERED BY PERSONS, ASSOCIATIONS OR CORPORATIONS DESIRING TO SELL OR SUPPLY MATERIAL, EQUIPMENT, SUPPLIES OR SERVICES TO OR PURCHASE THE SAME FROM THE CITY SHALL COMPLY STRICTLY WITH THE TERMS OF THE NOTICE OF INVITATION FOR BIDS AND THE SPECIFICATIONS OR GENERAL CONDITIONS ISSUED OR PUBLISHED BY THE CITY IN CONNECTION THEREWITH, TOGETHER WITH ALL STATE LAWS RELATING TO PUBLIC WORKS CONTRACTS, THE TERMS OF WHICH SHALL BE DEEMED INCLUDED IN SUCH SPECIFICATIONS OR GENERAL CONDITIONS WHETHER OR NOT THEY ARE EXPRESSLY SET OUT THEREIN.~~

~~3.24.020 — PURCHASES IN EXCESS OF SEVEN THOUSAND FIVE HUNDRED DOLLARS.~~

~~PURCHASES OF SUPPLIES, MATERIAL, EQUIPMENT OR SERVICES OTHER THAN PROFESSIONAL SERVICES, EXCEPT FOR PUBLIC WORK OR IMPROVEMENT, WHERE THE COST THEREOF EXCEEDS SEVEN THOUSAND FIVE HUNDRED DOLLARS SHALL BE MADE UPON CALL FOR BIDS; PROVIDED, THAT THE LIMITATIONS HEREIN SHALL NOT APPLY TO ANY PURCHASES OF MATERIALS AT AUCTIONS CONDUCTED BY THE GOVERNMENT OF THE UNITED STATES, ANY AGENCY THEREOF OR BY THE STATE OR A POLITICAL SUBDIVISION THEREOF; AND PROVIDED FURTHER, THAT ADVERTISEMENT AND COMPETITIVE BIDDING MAY BE DISPENSED WITH AS TO SUCH PURCHASES OF A VALUE BETWEEN SEVEN THOUSAND FIVE HUNDRED AND FIFTEEN THOUSAND DOLLARS UPON PASSAGE BY THE CITY COUNCIL OF A RESOLUTION PROVIDING FOR A PROCEDURE FOR SECURING TELEPHONE AND/OR WRITTEN QUOTATIONS FROM ENOUGH VENDORS TO ASSURE ESTABLISHMENT OF A COMPETITIVE PRICE AND FOR AWARDED SUCH CONTRACTS FOR PURCHASE OF MATERIALS, EQUIPMENT OR SERVICES TO THE LOWEST RESPONSIBLE BIDDER; AND PROVIDING, THAT AFTER THE AWARD IS MADE, THE BID QUOTATIONS SHALL BE OPEN TO PUBLIC INSPECTION AND SHALL BE AVAILABLE BY TELEPHONE INQUIRY.]~~

Section 2. Repealer of MMC 3.25. Monroe Municipal Code Section 3.25, Revenue and Finance – Approval of Contractors for Architectural and Engineering Services, is hereby repealed in its entirety.

Chapter 3.25

APPROVAL OF CONTRACTORS FOR ARCHITECTURAL AND ENGINEERING SERVICES

(Repealed by Ord. 006/2018)

~~[3.25.010 — ARCHITECTURAL AND ENGINEERING SERVICES UP TO TEN THOUSAND DOLLARS.~~

~~THE CITY COUNCIL AUTHORIZES THE MAYOR TO ENTER INTO AND EXECUTE ON BEHALF OF THE CITY ARCHITECTURAL AND ENGINEERING SERVICES CONTRACTS WITHOUT INDIVIDUAL APPROVAL OF EACH CONTRACT BY THE CITY COUNCIL, SO LONG AS THE CONTRACT IS CONSISTENT WITH THE APPROVED ANNUAL BUDGET FOR THE CITY, AND THE CITY'S LIABILITY UNDER~~

~~THE CONTRACT DOES NOT EXCEED AVAILABLE FUND BALANCES, INVOLVING A COST OR FEE (EXCLUDING SALES TAX) OF TEN THOUSAND DOLLARS OR LESS. IN THE ABSENCE OR DISABILITY OF THE MAYOR, THE MAYOR PRO TEMPORE IS AUTHORIZED TO ENTER INTO THE AGREEMENTS IDENTIFIED IN THIS SECTION. IN THE ABSENCE OR DISABILITY OF BOTH THE MAYOR AND MAYOR PRO TEMPORE, THE CITY ADMINISTRATOR IS AUTHORIZED TO ENTER INTO THE AGREEMENTS IF CIRCUMSTANCES DO NOT REASONABLY PERMIT WAITING FOR THE PRESENCE OF THE MAYOR, MAYOR PRO TEMPORE, OR AUTHORIZATION OF THE CITY COUNCIL.~~

~~3.25.020 ARCHITECTURAL AND ENGINEERING SERVICES OVER TEN THOUSAND DOLLARS.~~

~~FOR ARCHITECTURAL AND ENGINEERING SERVICES CONTRACTS INVOLVING A COST OR FEE (EXCLUDING SALES TAX) OF MORE THAN TEN THOUSAND DOLLARS, THE CITY ENGINEER SHALL PRESENT THE PROPOSAL TO THE CITY COUNCIL IN OPEN MEETING. THE COUNCIL AT THAT TIME MAY BY MOTION LET THE CONTRACT AS PROPOSED OR REJECT THE CONTRACT AND DIRECT THE CITY ENGINEER TO CONTINUE CONTRACT NEGOTIATIONS AS PER CHAPTER 39.80 RCW.]~~

Section 3. Repealer of MMC 3.26.010 -.080. Sections 3.26.010, 3.26.020, 3.26.030, 3.26.040, 3.26.050, 3.26.060, 3.26.070, and 3.26.080 of the Monroe Municipal Code are hereby repealed in their respective entirety.

~~[3.26.010 PLANS AND SPECIFICATIONS.~~

~~PREPARATION OF PLANS, SPECIFICATIONS, OR BOTH AND AN ESTIMATE OF THE COST OF A PUBLIC WORK OR IMPROVEMENT SHALL BE AUTHORIZED BY THE CITY ADMINISTRATOR FOR PUBLIC WORKS OR IMPROVEMENTS UP TO ONE HUNDRED THOUSAND DOLLARS AND BY THE CITY COUNCIL FOR PUBLIC WORKS OR IMPROVEMENTS OVER ONE HUNDRED THOUSAND DOLLARS.~~

~~3.26.020 SMALL WORKS ROSTER.~~

~~IN ADDITION AND AS AN ALTERNATE TO THE PROVISIONS OF RCW 35.23.352 REGARDING PUBLIC BIDDING, A SMALL WORKS ROSTER MAY BE ESTABLISHED AND MAINTAINED BY THE CITY ENGINEER OR PURSUANT TO AN INTERLOCAL AGREEMENT IN ACCORDANCE WITH CHAPTER 39.34 RCW, WHICH ROSTER COMPRISES ALL CONTRACTORS WHO HAVE REQUESTED TO BE ON THE ROSTER AND WHO ARE, WHERE REQUIRED BY LAW, PROPERLY LICENSED OR REGISTERED IN THIS STATE.~~

~~3.26.030 PUBLIC WORK OR IMPROVEMENT UP TO SIXTY-FIVE THOUSAND DOLLARS.~~

~~THE CITY ADMINISTRATOR MAY AUTHORIZE THE CONSTRUCTION OF ANY BUDGETED PUBLIC WORK OR IMPROVEMENT BY CONTRACT, DAY LABOR, BY USE OF THE SMALL WORKS ROSTER, OR BY FORMAL SEALED BID WHENEVER THE ESTIMATED COST OF SUCH WORK OR IMPROVEMENT, INCLUDING THE COST OF MATERIALS, SUPPLIES, AND EQUIPMENT WILL NOT EXCEED FORTY THOUSAND DOLLARS FOR A SINGLE TRADE PROJECT OR SIXTY-FIVE THOUSAND DOLLARS FOR A MULTIPLE TRADE PROJECT.~~

~~3.26.040 PUBLIC WORK OR IMPROVEMENT BETWEEN SIXTY-FIVE THOUSAND DOLLARS AND THREE HUNDRED THOUSAND DOLLARS.~~

~~THE CITY ADMINISTRATOR MAY AUTHORIZE THE CONSTRUCTION OF ANY BUDGETED PUBLIC WORK OR IMPROVEMENT BY USE OF THE SMALL WORKS ROSTER, OR BY FORMAL SEALED BID WHENEVER THE ESTIMATED COST OF SUCH WORK OR IMPROVEMENT, INCLUDING THE COST OF MATERIALS, SUPPLIES, AND EQUIPMENT, WILL NOT EXCEED THREE HUNDRED THOUSAND DOLLARS.~~

~~3.26.050 PUBLIC WORK OR IMPROVEMENT OVER THREE HUNDRED THOUSAND DOLLARS.~~

~~THE CITY COUNCIL MAY AUTHORIZE THE CONSTRUCTION OF ANY BUDGETED PUBLIC WORK OR IMPROVEMENT BY FORMAL SEALED BID WHENEVER THE ESTIMATED COST OF SUCH WORK OR IMPROVEMENT, INCLUDING THE COST OF MATERIALS, SUPPLIES, AND EQUIPMENT, WILL EXCEED THREE HUNDRED THOUSAND DOLLARS.~~

~~3.26.060 COMPLIANCE WITH NOTICE OF INVITATION AND REGULATIONS.~~

~~ALL BIDS OFFERED BY PERSONS, ASSOCIATIONS OR CORPORATIONS TO CONSTRUCT A PUBLIC WORK OR IMPROVEMENT SHALL COMPLY STRICTLY WITH THE TERMS OF THE NOTICE OF INVITATION FOR BIDS AND WITH THE SPECIFICATIONS OR GENERAL CONDITIONS ISSUED OR PUBLISHED BY THE CITY IN CONNECTION THEREWITH, TOGETHER WITH ALL STATE LAWS RELATING TO PUBLIC WORKS CONTRACTS, THE TERMS OF WHICH SHALL BE DEEMED INCLUDED IN SUCH SPECIFICATIONS OR GENERAL CONDITIONS WHETHER OR NOT THEY ARE EXPRESSLY SET OUT THEREIN.~~

~~3.26.070 BID RECEIPT.~~

~~BIDS SHALL BE RECEIVED BY THE PERSON DESIGNATED IN THE NOTICE OF INVITATION TO BID AT ALL TIMES DURING REGULAR BUSINESS HOURS AND SHALL BE OPENED AT THE TIME SPECIFIED IN SAID NOTICE.~~

~~3.26.080 ACCEPTANCE PROCEDURE.~~

~~CONTRACTS FOR A PUBLIC WORK OR IMPROVEMENT UP TO TWO HUNDRED THOUSAND DOLLARS MAY BE AWARDED BY THE MAYOR TO THE LOWEST RESPONSIBLE BIDDER. FOR CONTRACTS FOR A PUBLIC WORK OR IMPROVEMENT OVER TWO HUNDRED THOUSAND DOLLARS THE CITY ENGINEER SHALL PRESENT THE BID RESULTS TO THE CITY COUNCIL IN OPEN MEETING. THE COUNCIL, AT ANY TIME WITHIN THE PERIOD SET BY THE NOTICE OF INVITATION TO BID, THE GENERAL CONDITIONS, OR OTHER SPECIFICATIONS ISSUED IN CONNECTION WITH THE BID, MAY BY MOTION LET THE CONTRACT TO THE LOWEST RESPONSIBLE BIDDER OR REJECT ANY OR ALL BIDS AND MAKE FURTHER CALLS FOR BIDS IN THE SAME MANNER AS THE ORIGINAL CALL.~~

Section 4. Amendment of MMC 3.26.090. Section 3.26.090 of the Monroe Municipal Code is hereby amended to provide as follows:

3.26.090 ~~[PERFORMANCE AND PAYMENT BONDS]~~Contract Bond.

The contract~~[OR PERFORMANCE AND PAYMENT]~~ bond~~[S]~~ required by RCW 39.08.010 shall run and be payable to the city of Monroe.

Section 5. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by State or federal law or regulation, such decision or pre-emption shall not affect the validity or enforceability of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 6. Effective Date. This ordinance shall be in full force and effect five (5) days from and after its passage and approval and publication as required by law.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this 21st day of March, 2018.

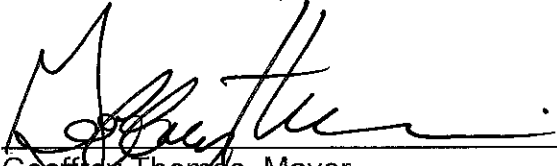
First Reading: Waived
Adoption: March 20, 2018
Published: March 23, 2018
Effective: March 28, 2018

(SEAL)

ATTEST:


Elizabeth M. Adkisson, MMC, City Clerk

CITY OF MONROE, WASHINGTON:


Geoffrey Thomas, Mayor

APPROVED AS TO FORM:


J. Zachary Lell, City Attorney