

## Chapter 4.28

# PROCUREMENT

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- 4.28.020 Application and interpretation.**
- 4.28.030 Responsibility for procurement.**
- 4.28.040 Competitive bidding.**
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**Prior legislation:** 1961 code §§ 2.20.110 – 2.20.200, 2.20.220 – 2.20.280, 2.20.300 and 2.20.310; Ords. 2284, 2822, 3328, 3847, 4040, 4320, 4888, 4968, 5893.

#### 4.28.040 **Competitive bidding and award.**

A. *General.* Except as expressly authorized elsewhere in this chapter or by state law, the provisions of this section shall apply when the following thresholds have been met:

1. To any purchase of material, supplies, and equipment of ~~\$90,000~~350,000 or more; and
2. To any work defined as a "public work" in RCW [39.04.010](#) as now enacted or hereafter amended, where the cost ~~thereof~~ is estimated to exceed ~~the greater of (a) the limitation set forth in RCW [35.22.620](#), as now enacted or hereafter amended, or (b) the limitations set forth in RCW [35.23.352](#), as now enacted or hereinafter amended. \$90,000 if more than a single craft or trade is involved or more than \$45,000 if only a single craft or trade is involved or the project is street signalization or street lighting.~~

B. *Invitation for Bids.* An invitation for bids shall be issued which shall include the specifications and the contractual terms and conditions applicable to the procurement, and any other supplemental criteria for determining bid responsiveness or bidder responsibility applicable to the particular purchase or project which must be met.

C. *Specifications.*

1. *Maximum Practicable Competition.* All specifications shall be drafted so as to promote overall economy for the purposes intended and encourage maximum free and open competition in satisfying the city's needs. The policy enunciated in this section applies to all specifications including, but not limited to, those prepared for the city by architects, engineers, designers, and draftsmen.
2. *"Brand Name or Equal" Specification.* Brand name or equal specifications may be used when the director of finance and asset management or his/her designee determines in writing that use of a brand name or equal specification is in the city's best interest, such as when there is a sole source or single source.

D. *Public Notice.* Public notice of the invitation for bids shall be given not less than 14 calendar days prior to the date set forth therein for the opening of bids. Such notice shall be in any form that satisfies applicable law. The public notice shall state the date and time of bid opening. Bids not received by the date and time stated for bid opening will not be accepted or considered.

E. *Bid Opening*. Bids shall be opened publicly by the director of finance and asset management or his/her designee at the time and place designated in the invitation for bids. The amount of each bid, and such other relevant information as he/she deems appropriate, together with the name of each bidder, shall be recorded. The record and each bid shall be open to public inspection.

F. *Bids to Comply with Regulations*. All persons, associations or corporations interested in responding to a bid shall comply strictly with the terms of the notice of invitation for bids and the specifications and evaluation criteria issued or published by the city, together with all relevant state laws and supplemental bidder criteria, if applicable, the terms of which shall be deemed included in such specifications whether or not they are expressly set out therein.

G. *Bid Evaluation*. Bids shall be evaluated based on the specifications and other relevant evaluation criteria set forth in the bid specifications and in accordance with this code, city policies and applicable state and federal law.

H. *Correction or Withdrawal of Bids – Bid Irregularities – Cancellation of Awards*. Correction or withdrawal of erroneous bids or bid irregularities before or after bid opening, or cancellation of awards or contracts based on such bid mistakes or irregularities, may be permitted by the city as provided in this section.

1. Mistakes discovered before bid opening may be modified or the bid may be withdrawn by written or electronic notice received in the office designated in the invitation for bids prior to the time set for opening.
2. After bid opening, corrections in or withdrawal of bids shall be permitted only to the extent that the bidder can show by clear and convincing evidence that a mistake was made, the nature of the mistake, and the bid price actually intended. However, downward correction of a bid, which would displace the apparent low bidder, and upward corrections of a bid submitted by the apparent low bidder, which would not displace the bid as the apparent low bid, shall only be permitted if the error made and the intended bid price can be determined solely from the bid documents in the sole discretion of the city. All decisions to permit the correction or withdrawal of bids after bid opening, or to cancel awards or contracts based on bid mistakes, shall be made by the city council for contracts exceeding \$350,000 and the applicable department director, or other person designated by the City, for contracts of \$350,000 or less. Notwithstanding anything in this chapter, the director of finance and asset management or his/her designee shall have the authority to waive

immaterial irregularities that do not give a bidder a competitive advantage or benefit not enjoyed by other bidders.

3. The call for bids shall state the reserved right of the city to reject any and all bids and to waive irregularities in any bid; provided, that no bidder shall be permitted to gain unfair advantage over other bidders under this section.

I. *Award.* ~~For contracts exceeding \$350,000, a~~ description of the bids, along with the recommendation of the appropriate department and a written statement of any mistakes, corrections, or irregularities in the bids as described above, shall be submitted to the city council. The city council may award the bid to the lowest responsive, responsible bidder as determined under the standards set forth in the code and under state law, or may reject any or all bids in its discretion and make further call for bids. ~~All decisions to reject or cancel an award or contract based on bid mistakes shall be made by the city council. If awarded, the contract shall be awarded to the lowest responsible bidder whose bid meets the specifications and evaluation criteria set forth in the invitation for bids.~~

~~For contracts of \$350,000 or less, the applicable department director, or other person designated by the City, may award the bid to the lowest responsive, responsible bidder as determined under the standards set forth in the code and under state law, or may reject any or all bids in its discretion and make further call for bids.~~

~~If awarded, the contract shall be awarded to the lowest responsive and responsible bidder whose bid meets the specifications and evaluation criteria set forth in the invitation for bids.~~ If no responsive bid is received on the first call, the city may readvertise and make a second call or may enter into a contract without any further call or may purchase the supplies, materials, equipment or services, or perform such work and improvement in any manner authorized by law. (Ord. 6436 § 4, 2018; Ord. 6187 § 1, 2014.)

#### **4.28.080 Small public works.**

A. Except as otherwise authorized by Chapters [39.04](#) and [39.28](#) RCW or RCW [35.23.35235.22.620](#), relating to emergency public works, or other applicable general state law, as now enacted or as hereafter amended, all public works and improvements shall be done by contract pursuant to public notice and call for competitive bids in accordance with BCC [4.28.040](#)

or through the small works roster process as authorized in RCW ~~35.23.352-35.22.620~~ and [39.0405.155](#) as now enacted or hereafter amended.

B. Whenever the estimated cost of the public work or improvement is less than the threshold amounts provided in BCC [4.28.040\(l\)](#), a contract for the public work or improvement may be awarded by the applicable department director, or other person designated by the city manager, consistent with the procedures established in accordance with this chapter.

C. The director of finance and asset management, or his/her designee, is authorized to accept as complete the public works and improvements performed under any contract awarded hereunder after determining that such work has been satisfactorily completed in accordance with the contract terms thereof. (Ord. 6436 § 4, 2018; Ord. 6187 § 1, 2014.)

#### **4.28.120 Professional service contracts.**

Contracts for professional services, including contracts for architectural, engineering, legal and consulting services, are not subject to the competitive bidding or public works requirements of this chapter. The ~~director of finance and asset management city manager~~ or ~~his/her~~ designee shall promulgate procedures and standards for the approval and administration of such contracts. Contracts for architectural and engineering services shall be awarded in accordance with Chapter [39.80](#) RCW as now enacted or hereafter amended. For purposes of this section, “professional services” are those services involving skill, education and special knowledge and where the work is predominately mental and intellectual, rather than physical and mechanical. (Ord. 6187 § 1, 2014.)

#### **4.28.130 Noncompetitive purchases.**

A. The director of finance and asset management or his/her designee shall be authorized to make open market purchases of materials, supplies, and equipment and to procure services without obtaining competitive bids or quotations as otherwise required under BCC [4.28.040](#) and [4.28.050](#) under the following conditions:

1. *Items of Special Design.* When an item required is of special design, shape or manufacture to match or fit in with an existing installation and competitive bidding is impracticable;
  2. *Surplus or Distress Sales.* When it is possible to procure obvious bargains in surplus or distress material, supplies or equipment;
  3. *Items for Quick Delivery.* When the obtaining of competitive bids or quotations will cause delay resulting in an appreciable loss to the city;
  4. *Purchase of Insurance or Bonds.* When purchasing insurance or bonds;
  5. *Single or Sole Source.* When the director of finance and asset management or his/her designee determines in writing that the purchase or service is clearly and legitimately limited to a single or sole source of supply. The director of finance and asset management or his/her designee shall conduct negotiations, as appropriate, as to price, terms, and delivery time;
  6. *Special Market Conditions.* When, in the director of finance and asset management's reasonable discretion, special facilities or market conditions exist;
  7. *Emergency or Threatened Emergency.* When the city manager or his/her designee authorizes emergency procurement of materials, supplies, or equipment, or procurement of services without complying with the requirements of this chapter because there exists a threat to public health, welfare, or safety or where the city may suffer an appreciable loss because of the time required to follow regular purchasing procedures; provided, that such emergency procurements shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file. As soon as practicable, a record of each emergency procurement shall be made and shall set forth the contractor's name, the amount and type of the contract, and a listing of the item(s) procured under the contract, which shall be reported to the city council at its next meeting or within two weeks, whichever is sooner.
- B. *Small Items Not Stocked.* The director of finance and asset management or his/her designee is authorized to purchase items which are not stocked by the departments of the city and are available at usual market prices through purchase orders, or may enter into indefinite

delivery/indefinite quantity contracts not exceeding \$~~90,000~~350,000 in value annually. The city shall attempt to use local vendors selected on the basis of best overall price policies, breadth and depth of stock, delivery service and overall convenience to the city. (Ord. 6436 § 4, 2018; Ord. 6187 § 1, 2014.)

#### **4.28.140 Small purchases of materials, supplies and equipment.**

Any purchase not exceeding the amount specified in BCC [4.28.040\(A\)\(1\)](#) shall be considered a “small purchase” and may be made in accordance with this section and the small purchase procedures promulgated by the director of finance and asset management or his/her designee.

A. The requirements of BCC [4.28.040](#) shall not apply to such purchases. Insofar as it is practical, three businesses shall be solicited to submit quotations, and the director of finance and asset management or his/her designee shall award the purchase order to the vendor that submitted the lowest responsive, responsible quotation.

B. When the award for a small purchase is not given to the vendor submitting the lowest quotation, a statement of the reasons for placing the order elsewhere shall be prepared and maintained in accordance with the city’s records management procedures.

C. The director of finance and asset management or his/her designee shall have the authority to reject all quotations or parts thereof, with regard to a small purchase of any materials, supplies, or equipment when he/she determines the public interest will be served thereby, and upon rejection of such quotations shall make a record of the reason for the rejection. (Ord. 6436 § 4, 2018; Ord. 6187 § 1, 2014.)

#### **4.28.200 Grants.**

A. Nothing in this chapter shall prevent the city from complying with the terms and conditions of any grant, gift or bequest which is otherwise consistent with law.

B. The city manager or his/her designee is authorized to apply for grants in any amount and to execute grant contracts for grants of up to \$~~90,000~~350,000. The city manager or his/her designee shall not execute grant contracts exceeding \$~~90,000~~350,000 without council approval.

The city manager or his/her designee shall notify the city council periodically of such grant contracts. (Ord. 6187 § 1, 2014.)

#### **4.28.210 Lease agreements.**

Lease agreements for materials, supplies and equipment are not subject to the requirements of this chapter, but shall be subject to such procedures as are established by the director of finance and asset management ~~city manager~~ or ~~his/her~~ designee. All such agreements exceeding \$~~90,000~~350,000 in value per year must, however, be approved by the city council. Lease agreements shall comply with any applicable state law regarding debt capacity. (Ord. 6187 § 1, 2014.)

**The Bellevue City Code is current through Ordinance 6698, passed November 21, 2022.**

Disclaimer: The city clerk's office has the official version of the Bellevue City Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.bellevuewa.gov](http://www.bellevuewa.gov)

City Telephone: (425) 452-6800

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## Chapter 4.30

### REAL PROPERTY ACQUISITION AND LEASING

Sections:

**4.30.010 Real property – Manager’s acquisition authority.**

**4.30.020 Real property – Manager’s leasing authority.**

#### **4.30.010 Real property – Manager’s acquisition authority.**

A. 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:

~~1. *Minor Acquisitions.* Any such acquisition where the purchase price is less than \$25,000;~~

~~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; provided, that the cost of the property is less than \$~~90,000~~350,000 and the purchase prices does not exceed the fair market value of the property as determined by the city’s appraiser or review appraiser by more than: (1) \$10,000 or (2) 10 percent of such the fair market value, whichever is greater. of the property as determined by the city’s appraiser or review appraiser.~~

B. All other real property acquisitions not authorized in advance will be submitted to the council for approval. (Ord. 6188 § 1, 2014; Ord. 5012 § 1, 1997; Ord. 4002 § 2, 1989.)

~~C. The city manager or their designee shall have the authority to promulgate policies, standards and operational procedures governing all city real property transactions.~~

#### **4.30.020 Real property – Manager’s leasing authority.**

- A. 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 two years and the consideration does not exceed \$~~90,000~~350,000 per year.
- B. A lease that exceeds the limits stated in subsection [A](#) of this section, or one where city property is leased for less than fair market rent, will be submitted to the council for approval. (Ord. 6188 § 1, 2014; Ord. 4315 § 1, 1991.)

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## Chapter 4.32

### SALE OF CITY PROPERTY

Sections:

- 4.32.010** Sale or disposition of unneeded property owned by the city.
- 4.32.020** Sale of personal property of \$10,000 value or less.
- 4.32.030** Methods of sale.
- 4.32.040** Disposition of confiscated, forfeited and released firearms.
- 4.32.060** Sale of city real property.
- 4.32.070** Sale or disposition of real or personal property or equipment originally acquired for public utility purposes.
- 4.32.090** Intergovernmental transfer of real or personal property over \$50,000 in value.

**Prior legislation:** 1961 code §§ 2.21.010 – 2.21.060; Ords. 1981, 2331, 5209, 5626, 5760.

#### **4.32.060 Sale of city real property.**

Except as provided in BCC ~~4.32.070~~ ~~4.32.020~~ and ~~4.32.090~~ ~~4.32.030~~, any sale of real property shall be submitted to the council for approval. A public hearing on the proposed sale is not required. (Ord. 6189 § 1, 2014.)

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