

08/07/23 (Date of First Reading)
08/14/23 (Date of Public Hearing)
08/21/23 (Date of Public Hearing)

ORDINANCE NO. M-4417

AN ORDINANCE of the City of Vancouver relating to the amendment of city procurement requirements set forth in Vancouver Municipal Code (VMC) Chapter 3.05; adopting legislative findings; adding VMC Section 3.05.015 to clarify the applicability of federal procurement standards; amending certain sections of VMC Chapter 3.05 to simplify and clarify code language, incorporate best practices, adjust procurement thresholds, and reflect recent changes in state law; providing for severability; and setting an effective date.

WHEREAS, in 1994 the City adopted VMC 3.05 to establish comprehensive policies for the procurement of materials, supplies, equipment and services and the procurement of contracts for public works and capital improvements;

WHEREAS, the City has periodically amended VMC 3.05 to reflect changes in City policy, best practices, and state law;

WHEREAS, the City now desires to amend certain sections VMC 3.05 to simplify and clarify language, and reflect recent changes in state law and procurement best practices.

WHEREAS, the City Council adopts and incorporates by reference Staff Report SR-151-23 and finds that it is in the public interest to update and amend the City's procurement standards and requirements;

WHEREAS, with proper notice to the public, the Vancouver City Council conducted a first reading of the proposed ordinance on August 7, 2023 and a public hearing concerning the ordinance and proposed code changes on August 14, 2023.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. Findings. The City Council hereby adopts and incorporates by reference the above recitals as findings in support of this Ordinance.

Section 2. New Section. A new section is added to the Vancouver Municipal Code to read:

3.05.015 - Federal Funding and Grants.

When procuring property or services under a Federal award, the City will comply with the requirements of the Code of Federal Regulations (CFR), 2 CFR §200.318 through §200.326 Contract provision. Purchases made or work performed with Federal grant funds must follow the standards identified in the Federal Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards (OMB Title 2, Subtitle A, Chapter 11, Part 200.)

Section 3. Amendment. Vancouver Municipal Code Section 3.05.020 entitled “Responsibility for procurement” as codified by Ordinance M-3129 § 2 and last amended by Ordinance M-4173 § 2 is hereby amended as follows:

3.05.020 – Responsibility for Procurement.

The Director of Financial and Management Services shall be responsible for all City government purchasing and public works construction contract procurements. The Director may appoint a designate or designates who shall, subject to the exceptions stated in this chapter, make all purchases of materials, supplies and equipment, and contractual services for all departments, offices, boards and other agencies of the City government.

The Director is authorized to promulgate written rules and regulations as necessary for the administration of this chapter. Such rules and regulations also shall provide for a system of procurement for purchases and contracts of an amount below the competitive bid limits. Such system shall include, but not be limited to, formal and informal quotes, requests for proposal, local purchase orders, purchases from published price lists, ~~petty cash~~ and other appropriate provisions of a similar nature.

For purposes of this chapter, the terms "Director" and "Director of Financial and Management Services" shall be interchangeable. All references to the plural of "designate" herein shall also mean the singular and to the singular shall also mean the plural unless the context otherwise requires.

Section 4. Amendment. Vancouver Municipal Code Section 3.05.030 entitled “Emergency procurement--Authorization” as codified by Ordinance M-3960 § 2 and last amended by Ordinance M-3129 § 2 is hereby amended as follows:

3.05.030 Emergency procurement Authorization.

The Director or designate is authorized to make all emergency procurements, except those for public works which are governed by VMC 3.05.240, upon a written finding by the Director or designate of the existence of an emergency. Procurements under this section are exempt from competitive procurement requirements. Such emergencies may include, but are not limited to unforeseen circumstances beyond the control of the City:

1. Which present a real, immediate threat to the proper performance of essential functions ~~is interrupted or is about to be interrupted;~~ or
2. Which will likely result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken.

Section 5. Amendment. Vancouver Municipal Code Section 3.05.040 entitled “Special market conditions” as codified by Ordinance Ord. M-3129 § 2 and last amended by Ordinance M-4173 is hereby amended as follows:

3.05.040 Special market conditions.

The Director or designate is authorized to make purchases which are subject to special market conditions as set forth below by negotiation without competitive bid; provided that the purchases are subject to City Council approval under Section 3.05.100, 3.05.210 or 3.05.240, prior to the making of such purchase, which approval may be continuing as to the special market condition.

Special market conditions include the following examples set forth below:

1. When a purchase or service is clearly limited to a sole source or supply;

2. When an item required is of special design, shape or manufacture to match or fit in with an existing installation or standardization plan and competitive bidding is found to be impracticable;
3. When it is possible to procure what the Director or designate finds to be an obvious bargain in surplus or used material, supplies or equipment;
4. Insurance and bonds;
5. ~~Banking Services;~~
6. Securities and investment purchases;
7. ~~Subscriptions, including but not limited to, periodicals and databases;~~
8. ~~Works of art, copyrighted materials, books, and other publications;~~
9. ~~Memberships in professional organizations;~~
10. ~~Software, including but not limited to, software~~ Software licenses and maintenance fees, ~~unless otherwise subject to RCW 39.04.270;~~
11. ~~Advertisements;~~
12. ~~Off-site training and classes; and~~
13. ~~When a purchase of supplies, materials or equipment or for services, other than professional services, is for use in a pilot or an experimental project.~~

Section 6. Amendment. Vancouver Municipal Code Section 3.05.045 entitled “Auction purchases” as codified by Ordinance M-3960 is hereby amended as follows:

3.05.045 Auction purchases.

The Director or designate may, in accordance with RCW 39.30.045 ~~and this ordinance~~, purchase any supplies, materials or equipment at auctions conducted by the government of the United States or any agency thereof, any agency of the State of Washington, any municipality or other governmental agency, or any private party without being subject to public bidding requirements if the items can be obtained at a competitive price.

Section 7. Amendment. Vancouver Municipal Code Section 3.05.050 entitled “Unauthorized purchases” as codified by Ordinance M-3129 § 2 and last amended by Ordinance M-4173 is hereby amended as follows:

3.05.050 Unauthorized purchases.

Except as provided in this chapter, or as provided in rules and regulations promulgated pursuant to Section 3.05.030 ~~020~~, no City employee shall lease, purchase or contract on behalf of the City ~~for any supplies, material, equipment or professional service~~ or make any contract within the purview of this chapter other than through the Procurement Services ~~Division~~ and its staff. Any lease, purchase or contract made contrary to the provisions hereof shall not be approved by any City officer and the City shall not be bound thereby, except insofar as may be required or provided by law.

Section 8. Amendment. Vancouver Municipal Code Section 3.05.055 entitled “Contract Amendments” as codified by Ordinance M-4173 is hereby amended as follows:

3.05.055 Contract Amendments.

A. Contract amendments that do not change the total value of the contract may be approved in accordance with rules and regulations adopted under Section 3.05.020.

B. Contracts not requiring approval by the City Council may be amended to increase the contract amount up to a total value which would require City Council approval in accordance with rules and regulations adopted under Section 3.05.020.

C. Contracts requiring approval by the City Council may be amended by the City Manager or designee to increase the contract amount up to ten percent of the initial value of the contract. Any increases above ten percent of the initial value of the contract shall require City Council approval.

D. This section does not apply to contracts for public works projects. Amendments to contracts for public works projects shall be in the form of a change order approved in accordance with rules and regulations adopted by the City Manager.

Section 9. Amendment. Vancouver Municipal Code Section 3.05.060 entitled “Formal contract approval and signing requirements” as codified by Ordinance M-3129 and last amended by Ordinance M-4173 is hereby amended as follows:

3.05.060 Formal contract approval and signing requirements.

All contracts for the purchase of supplies, materials, services, and the lease or lease/purchase of equipment, or public works required by this chapter shall be approved as to legal form by the City Attorney or ~~his or her~~ their designate. Such contracts shall be executed on behalf of the City by

the Mayor, City Manager, Director or designate as appropriate and in accordance with this chapter and with rules and regulations adopted under Section 3.05.020.

Section 10. Amendment. Vancouver Municipal Code Section 3.05.090 entitled “Interlocal or intergovernmental cooperative purchasing” as codified by Ordinance M-3129 § 2 is hereby amended as follows:

3.05.090 Interlocal or intergovernmental cooperative purchasing.

- a. The Director or designate is authorized to enter into interlocal governmental cooperative purchasing ~~arrangements~~ agreements with other public agencies similarly authorized when the best interests of the City of Vancouver would be served thereby. Any cooperative purchasing agreement shall set forth the purposes, powers, rights, objectives and responsibilities of the contracting parties and shall be governed by the requirements of Washington state law in regard to competitive bidding, when applicable.

- b. The Director or designate is further authorized to make purchases of supplies, materials or equipment:
 1. Under a contract entered into by another state or local governmental agency subject to compliance with RCW 39.34.030; and
 2. Through or from the federal government under the authority of RCW 39.32.070 through RCW 39.32.090.

- c. The Director or designate is further authorized to make purchases of supplies and services available to local governments through the federal General Services Administration ("GSA") pursuant to 40 U.S.C. 502.
- d. Such purchases as described in subsections (a) through (c) of this section are authorized as an exception to the competitive bidding requirements of the City Charter.
- e. Where the value of the purchases as described in subsections (a) through (c) of this section is in excess of three hundred thousand dollars, the City Manager shall present the proposed purchase contract, along with the recommendations of the department or departments concerned, to the City Council for its authorization to enter into such purchase.

Section 11. Amendment. Vancouver Municipal Code Section 3.05.095 entitled "Debarment – Suspension." as codified by Ordinance M-3960 and last amended by Ordinance M-4173 is hereby amended as follows:

3.05.095 Debarment - Suspension.

- A. Pursuant to the City Charter and this chapter, the e-City attempts only to solicit offers from, award contracts to, and consent to subcontracts with responsible contractors. In the event that an illegal, improper, or unethical practice has occurred, debarment and suspension are discretionary actions that are appropriate means to effectuate the City's goal.
- B. Vendors, contractors, subcontractors, or principals (contractor) of a business that have been debarred or suspended by the City are excluded from entering contracts with the City, and the City shall not solicit offers from, award contracts to, or consent to subcontracts with

debarred or suspended contractors and the principals involved; provided, however, the Director or designate, as applicable, may waive this requirement if it is determined, in consultation with the City Attorney, that there is a compelling reason for such action, and the City Manager is informed of such action.

C. Causes for debarment or suspension. A vendor, contractor, subcontractor, or principal of a business (collectively “contractor”) may be debarred or suspended for any of the following reasons:

1. The commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public contract or subcontract;
2. The commission of embezzlement, theft, forgery, bribery, falsification of records, perjury, or receiving stolen property;
3. The commission of a serious offense that indicates a lack of business integrity or business honesty that may seriously affect the present responsibility of a contractor; or
4. The violation of the terms of any public contract or subcontract so as to result in serious and direct consequences for the public entity letting the contract, including, but not limited to, a history of a failure to perform or unsatisfactory performance of, one or more contracts.

D. Investigation and notice of intent to debar or suspend. The Director or designate, may initiate an investigation and, if warranted, and after consultation with the City Attorney and

notice to the City Manager, provide notice to a contractor of the City's intent to debar or suspend said person and/or entity from bidding on and contracting with the City for a specified period. The notice may specify corrective actions or conditions for lifting the suspension or debarment. The notice shall provide that the debarment or suspension becomes effective within ten (10) business days unless the person or entity appeals said action to a hearing examiner appointed pursuant to Chapter 2.51 VMC. The Director or designate is authorized and directed to promulgate rules consistent with this section for the purpose of carrying out the provisions of Chapter 3.05 VMC.

- E. Filing an appeal. An appeal from a notice to debar or suspend shall be in writing, signed by the person appealing, and shall be filed with the Director or designate no more than ten (10) business days from the date the notice to debar or suspend is served personally on the contractor or after the City deposits the notice in the U.S. mail addressed to the contractor. The written appeal shall state the name and address of the contractor and shall list grounds for the appeal, including any alleged error of fact or law in the notice of intent to debar or suspend. Failure to appeal constitutes a waiver of all right to an administrative hearing and determination of the debarment or suspension.

- F. Hearing procedures. The pre-hearing procedures of VMC 22.03.030 shall apply to debarment and suspension proceedings except those of VMC 22.03.030(A)(2)(3) specific to nuisance vehicles. The hearing procedures of VMC 22.03.040 shall govern hearings regarding debarment and suspension except those of VMC 22.03.040(B) pertaining to nuisance vehicles and those of VMC 22.03.040(C) pertaining to burden of proof.

- G. Burden of proof. The City has the burden of proof in appeal hearings. The city must prove by a preponderance of credible evidence that the contractor has committed any act(s) set forth in subsection C of this section.

- H. Period of debarment or suspension. Debarment shall be for a period commensurate with the gravity of the causes therefore, provided that in no instance shall debarment extend for a period longer than five years unless the contractor has failed to satisfy any condition of debarment or implement any required corrective action. Suspension shall be for a temporary period commensurate with the gravity of the causes therefore, provided that in no instance shall a suspension extend for a period longer than twelve (12) months unless the contractor has failed to satisfy any condition of suspension or implement any required corrective action.

- I. Court review. Court review of the decisions of the Hearing Examiner shall be sought within thirty (30) days by appropriate legal action filed in the Clark County Superior Court.

Section 12. Amendment. Vancouver Municipal Code Section 3.05.100 entitled “Competitive process – purchase of supplies, materials or equipment” as codified by Ordinance M-3129 and last amended by Ordinance M-4173 is hereby amended as follows:

3.05.100 Competitive process—Purchase of supplies, materials or equipment. ~~or services, other than professional services—When required.~~

The City may use competitive sealed bidding or competitive sealed proposals for any purchase of supplies, materials or equipment, including lease or lease/purchase of equipment, ~~or of services other than professional services.~~

Any purchase of supplies, materials or equipment, including lease or lease/purchase of equipment, ~~or of services other than professional services,~~ where the cost thereof exceeds three hundred thousand dollars must be approved by the City Council and may use either a competitive sealed bidding or a competitive sealed proposal process.

Purchases of supplies, materials or equipment, including lease or lease/purchase of equipment, ~~or of services other than professional services,~~ where the cost thereof is three hundred thousand dollars or less but more than ~~thirty five~~ fifty thousand dollars, may be approved by the Director or designate, and may use either a competitive sealed quotation or a competitive sealed proposal process.

Purchases or supplies, materials or equipment, including lease or lease/purchase of equipment, ~~or of services other than professional services,~~ where the cost thereof is ~~thirty five~~ fifty thousand dollars or less but more than ~~five ten~~ ten thousand dollars, may be approved by the Director or designate, and must be made by obtaining at least three documented quotes in accordance with rules and regulations adopted under Section [3.05.020](#).

Purchases of supplies, material or equipment, including lease or lease/purchase of equipment ~~or of services other than professional services~~, where the cost thereof is ~~five~~ ten thousand dollars or less, may be approved by the Director or designate, and need not involve competitive solicitation.

Section 13. Amendment. Vancouver Municipal Code Section 3.05.110 entitled “Notice to potential bidders or proposers” as codified by Ordinance M-3129 and last amended by Ordinance M-4018 is hereby amended as follows:

3.05.110 Notice to potential bidders or proposers.

Notice of call for bids or solicitations for proposals for supplies, materials or equipment ~~or services other than professional services~~ shall be advertised for contracts expected to exceed three hundred thousand dollars. The deadline for receiving bids or solicitations for proposals shall be stated in the call for bids or solicitations for proposals. The Director or designate shall determine the manner and means for advertising that in ~~his or her~~ their judgment will attract qualified bids or proposals, including but not limited to posting on websites, publication in newspapers or journals, or other means.

Section 13. Amendment. Vancouver Municipal Code Section 3.05.150 entitled “Award or rejection of bids or proposals.” as codified by Ordinance M-3129 and last amended by Ordinance M-4018 is hereby amended as follows:

3.05.150 Award or rejection of bids or proposals.

For contracts exceeding three hundred thousand dollars, the City Manager shall present the bids received or the apparent successful proposal to the City Council at a regular meeting. In the case of a sealed competitive bid, the council shall award the bid to the lowest responsive and responsible bidder. In the case of a competitive sealed proposal, the City Ceouncil shall award to the highest scored, responsive and responsible proposer. The City Ceouncil may reject any and all bids or proposals when it finds that the public interest will be served thereby. If City Ceouncil finds reason to reject any or all bids or proposals, appropriate findings shall be made and these shall be set forth in the City Council minutes.

Section 14. Amendment. Vancouver Municipal Code Section 3.05.160 entitled “Award to other than low bidder.” as codified by Ordinance M-3129 and last amended by Ordinance M-4018 is hereby amended as follows:

3.05.160 Award to other than low bidder.

For contracts exceeding three hundred thousand dollars, ~~When the bids is~~ awarded to a bidder other than the lowest bidder in price, findings shall be made which shall be stated as the City Council's findings and be set forth in the City Council's minutes. This section does not affect the use of other solicitation methods where price is not the only consideration.

Section 15. Amendment. Vancouver Municipal Code Section 3.05.200 entitled “Professional Services -- Defined” as codified by Ordinance M-3129 and last amended by Ordinance M-4173 is hereby amended as follows:

3.05.200 ~~Professional s~~Services – Defined.

The phrase "~~professional~~ services" means services which provide professional or technical expertise provided by a consultant to accomplish a specific study, project, task, or other scope of work, and excludes the following services: the engagement of Special Assistant City Attorneys or attorneys to represent or advise the City in a given situation, investigative services, and/or expert witnesses, which shall be by rules adopted by the City Attorney and approved by the City Manager.

~~1. Purchased services are provided by a vendor to accomplish routine, continuing and necessary functions, including but not limited to: equipment maintenance and repair, operation of a physical plant, security, computer analysis and programming, banking services, solid waste collection or recycling services. Such services are subject to the requirements of Section [3.05.100](#).~~

~~1. Retaining Special Assistant City Attorneys or attorneys to represent or advise the City in a given situation, investigative services, and/or expert witnesses shall be by rules adopted by the City Attorney and approved by the City Manager.~~

Section 16. Amendment. Vancouver Municipal Code Section 3.05.210 entitled "Competitive Solicitation and Approval of Professional Services Contracts" as codified by Ordinance M-3129 and last amended by Ordinance M-4173 is hereby amended as follows:

3.05.210 Competitive Solicitation and Approval of Professional Service Contracts.

All contracts for ~~professional~~ services, where the cost thereof exceeds three hundred thousand dollars must be approved by the City Council and shall be made by competitive sealed proposal process. ~~Advertisement of the competitive solicitation is optional, but recommended.~~

All contracts for ~~professional~~ services, where the cost thereof is three hundred thousand dollars or less but more than ~~one hundred~~ fifty thousand dollars, may be approved by the Director or designate, and shall be made by competitive sealed proposal process. ~~Advertisement of the competitive solicitation is optional, but recommended.~~

~~All contracts for professional services where the cost thereof is one hundred thousand dollars or less but more than thirty five thousand dollars, may be approved by the Director or designate, and shall be made using an expedited informal competitive proposal process in accordance with rules and regulations adopted under Section [3.05.020](#).~~

All contracts for ~~professional~~ services where the cost thereof is ~~thirty-five~~ fifty thousand dollars or less, may be approved by the Director or designate, and need not involve competitive solicitation.

The selection processes described herein shall be followed for the procurement of ~~professional~~ services with the following exceptions:

1. Emergency contracts;
2. Sole source contracts;
3. Services of licensed architects, engineers or landscape architects;

4. Other specific contracts exempted by the Director or designate when it has been determined that a competitive solicitation process, quote or informal quote process outlined herein is not appropriate or cost-effective.

Section 17. Amendment. Vancouver Municipal Code Section 3.05.225 entitled “Solicitation of licensed architects, engineers or landscape architects – Process.” as codified by Ordinance M-3129 is hereby amended as follows:

3.05.225 Contracts for Architectural and Engineering Services ~~solicitation of licensed architects, engineers or landscape architects — Process.~~

Contracts for professional architectural or engineering services ~~required to be performed by licensed architects, engineers or landscape architects,~~ shall follow the procedural requirements of RCW Chapter [39.80](#).

Section 18. Amendment. Vancouver Municipal Code Section 3.05.240 entitled “When bids required for public works and improvements.” as codified by Ordinance M-3129 and last amended by Ordinance M-4173 is hereby amended as follows:

3.05.240 When bids required for public works and improvements.

a. Except when otherwise authorized herein or by Section [3.05.030](#), Section [2.12.080](#) or RCW Chapters [39.04](#) and [39.28](#) 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. Such contracts shall be awarded pursuant to public notice and call for competitive bids. Provided, that small works and limited public works may be done pursuant to

Section [3.05.330](#); and provided further that the City may have public works performed by City employees during any biennial budget period which are cumulatively equal to a dollar value which does not exceed ten percent of the total public works construction budget of all City departments, including any amount in a supplemental public works construction budget and any amount of public works that the City has a county perform under RCW [35.77.020](#), for that biennial budget period. In addition to the biennial percentage limitation, City employees will not perform such public work whenever the estimated cost of such public work or improvement, including the cost of labor, materials and supplies, equipment and applicable Washington state and local sales tax, will exceed the sum of ~~ninety~~ one hundred fifty thousand dollars if more than a single craft or trade is involved with the public works project, or ~~forty-five~~ seventy-five thousand five hundred dollars if a single craft or trade is involved with the public works project or the public works project is street signalization or street lighting. A "public works project" means a complete project as defined in Section [3.05.241](#).

b. When any emergency requires the immediate execution of such public work, the City shall comply with the provisions of RCW [35.22.620\(6\)](#), ~~),~~ RCW [39.04.280](#), and Section [2.12.080](#) as now or hereafter amended. The Director or designate shall within two weeks following award of an emergency public work contract enter into the public record written findings of the existence of an emergency. Entry into the public record may be by written report to the City Manager and City Council, posting on the City website or such other means as are practicable under the circumstances.

c. Notice of call for bids shall be given by posting thereof in a public place in the City and by publication in a newspaper of general circulation within the City once each week for two

consecutive weeks. The deadline for receiving bids shall be not less than thirteen days from the date of first publication; except that notice by publication may be given in the manner authorized by RCW [39.28.020\(5\)](#) or other general state law when applicable. Provided, that prior to notice of call for bids, the Director of public works, at ~~his or her~~ their discretion, may require any and all potential bidders interested in bidding on a public works project to participate in a pre-qualification process. The pre-qualification process shall be to ensure that each such bidder(s) has the means, plans, equipment and experience to bid and complete the project. The Director of public works is authorized to, and shall, develop written procedures for the administration of such pre-qualification process.

Section 19. Amendment. Vancouver Municipal Code Section 3.05.270 entitled “Bidder (contractor) qualification.” as codified by Ordinance M-3129 and last amended by Ordinance M-4173 is hereby amended as follows:

3.05.270 Bidder (contractor) qualification

Each public works bidder bidding on a contract in excess of ~~one~~ three hundred thousand dollars may be required to submit to the director of public works or other appropriate department director, upon demand and at any time prior to the award of contract, satisfactory evidence that the bidder has sufficient means, plans, equipment and experience to enable the bidder to undertake and successfully complete the work specifications. The director of public works or other appropriate department director may accept as satisfactory evidence and contractor's certification that the bidder/contractor is pre-qualified for similar work by the Washington State Department of Transportation.

Section 20. Amendment. Vancouver Municipal Code Section 3.05.290 entitled “Bid opening” as codified by Ordinance M-3129 and last amended by Ordinance M-4173 is hereby amended as follows:

3.05.290 Bid opening.

Each bid shall be submitted sealed to the office of the Director or designate at any time within regular business hours and shall be identified as "bids" on the envelope. Bids shall be opened in public by the Director or designate, at the time and place stated in the call for bids. The Director or designate shall tabulate the bids. The Director or designate shall make appropriate recommendations to the City Manager or their designee.

Section 21. Amendment. Vancouver Municipal Code Section 3.05.300 entitled “Award or rejection of bids” as codified by Ordinance M-3129 and last amended by Ordinance M-4173 is hereby amended as follows:

3.05.300 Award or rejection of bids.

The City Council shall award the contract to the lowest responsible bidder or may reject any and all bids when it finds that the public interest will be served thereby.

For contracts for public works and improvements of three hundred thousand dollars or less, the Director or designate shall, subject to review of any bidder protest submitted to the Director or designate in conformity with RCW 39.04.105, award the contract to the lowest responsible bidder based on the criteria set forth in Section 3.05.310 or may reject any and all bids when he/she finds

that the public interest will be served thereby. The Director or designate shall provide the protesting bidder with not less than two business days' notice of the intent to award the bid to another bidder and to execute a contract.

~~If no bid is received on the first call for bids, the City may re-advertise and make a second call or may enter into a contract without any further call or may purchase the supplies, materials or equipment and perform such work and improvement by day labor, subject to the limitation set forth at Section 3.05.240.~~

Section 22. Amendment. Vancouver Municipal Code Section 3.05.330 entitled "Small works roster – Limited public works." as codified by Ordinance M-3129 and last amended by Ordinance M-4173 is hereby amended as follows:

3.05.330 Small works roster- Limited public works.

For public works in which the estimated cost is three hundred thousand dollars or less, the City may use a small works roster or rosters or limited public works as an alternative to bidding in accordance with RCW [39.04.155](#), as amended; provided, that in such case, the Director or designate shall prescribe policies and procedures to implement small works roster and limited public works programs in accordance with law.

All contracts for public works, where the cost thereof is three hundred thousand dollars or less but more than ~~thirty five~~ fifty thousand dollars, may be approved by the Director or designate,

and shall be made by the small works roster contract procedures in accordance with RCW [39.04.155](#), as amended.

All contracts for public works, where the cost thereof is ~~thirty five~~ fifty thousand dollars or less, may be approved by the Director or designate, and shall be made by the limited public works process procedures in accordance with RCW [39.04.155](#), as amended.

The City shall award all contracts under this section to the lowest responsible bidder as defined in Section [3.05.310](#); provided, however, that the City reserves its right under applicable law to reject any and all bids, and also to waive "minor irregularities if in the public interest."

Section 23. Amendment. Vancouver Municipal Code Section 3.05.340 entitled "Competitive bidding – When required by federal or state regulations." as codified by Ordinance M-3129 and last amended by Ordinance M-4173 is hereby amended as follows:

3.05.340 Competitive bidding – When required by federal or state regulations.

Whenever the conditions of an inter-governmental agency or of a county, state or federal grant establish competitive bidding procedures and requirements inconsistent with the procedures and requirements of this chapter, the conditions of such grant shall apply to public works projects and purchases to be paid for in full or in part by moneys received from such grant.

To ensure compliance with this section, the Director or designate having responsibility for the public improvement shall advise the Director or designate as to the source of funding for each

public works or improvement project together with any specific procurement requirements or conditions of the funding or grant contract.

Section 24. Severability. If any clause, sentence, paragraph, section, or part of this ordinance or the application thereof to any person or circumstances shall be adjudged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not affect or invalidate the remainder of any parts thereof to any other person or circumstances and to this end the provisions of each clause, sentence, paragraph, section or part of this law are hereby declared to be severable.

Section 24. Effective Date. This ordinance shall become effective September 1st 2023.

DATE OF FINAL PASSAGE by the Vancouver City Council: August 21, 2023

SIGNED this 21st day of August, 2023

DocuSigned by:
Anne McEnerny-Ogle
6C89D9089EC5424...
Anne McEnerny-Ogle, Mayor

Attest:

DocuSigned by:
Natasha Ramras
BCF6734E40E94AE...
Natasha Ramras, City Clerk

Approved as to form:

DocuSigned by:
Jonathan Young
9A7DC2E31F694A2...
Jonathan Young, City Attorney

SUMMARY

ORDINANCE NO. M-4417

AN ORDINANCE of the City of Vancouver relating to the amendment of city procurement requirements set forth in Vancouver Municipal Code (VMC) Chapter 3.05; adopting legislative findings; adding VMC Section 3.05.015 to clarify the applicability of federal procurement standards; amending certain sections of VMC Chapter 3.05 to simplify and clarify code language, incorporate best practices, adjust procurement thresholds, and reflect recent changes in state law; providing for severability; and setting an effective date.

The full text of this ordinance will be mailed upon request. Contact Raelyn McJilton, Records Officer at 487-8711, or via www.cityofvancouver.us (Go to City Government and Public Records).