

1 Sponsored by: Councilmember Ryan Mello
2 Requested by: County Council

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10 **ORDINANCE NO. 2023-62**

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18 **An Ordinance of the Pierce County Council Amending Chapter 2.106 of the**
19 **Pierce County Code, "Purchasing."**

20
21 **Whereas**, Chapter 2.106 of the Pierce County Code (PCC), "Purchasing,"
22 implements the requirements of Section 9.15 of the Pierce County Charter and sets
23 forth rules and regulations applicable to the purchase or lease of material, equipment,
24 services, and supplies; and

25
26 **Whereas**, revisions to the current procurement and contracting rules are
27 necessary to align terminology with state law; to clarify and update existing regulations;
28 to provide for internal Code consistency; and to increase efficiency of certain purchases;
29 **Now Therefore**,

30
31 **BE IT ORDAINED by the Council of Pierce County:**

32
33 Section 1. Chapter 2.106 of the Pierce County Code, "Purchasing," is hereby
34 amended as shown in Exhibit A, which is attached hereto and incorporated herein by
35 reference.



1 Section 2. The Council intends to periodically review the impact of changes to
2 County procurement thresholds in Chapter 2.106 PCC. To support this review, the
3 Finance Department shall use the best available data and report to the Council annually
4 by December 31.

5
6 PASSED this 31st day of October, 2023.
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10 ATTEST:

PIERCE COUNTY COUNCIL
Pierce County, Washington

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13 *Denise D. Johnson*
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15 **Denise D. Johnson**
16 Clerk to the Council

Ryan N. Mello
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18 **Ryan N. Mello**
19 Council Chair

Bruce F. Dammeier
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21 **Bruce F. Dammeier**
22 Pierce County Executive
23 Approved Vetoed , this
24 9th day of November,
25 2023.

26 Date of Publication of
27 Notice of Public Hearing: October 5, 2023

28
29 Effective Date of Ordinance: November 19, 2023
30

Only those portions of Chapter 2.106 that are proposed to be amended are shown.
Remainder of text, tables, maps and/or figures is unchanged.

Chapter 2.106

PURCHASING

Sections:

- 2.106.010 Purpose.**
- 2.106.020 Definitions.**
- 2.106.022 Application of E-Verify Requirements.**
- 2.106.025 Enforcement of E-Verify Contract Terms.**
- 2.106.030 Purchasing Agent Position Created.**
- 2.106.035 Competitive Bidding for Public Works Projects.**
- 2.106.040 Procedure for Purchases of ~~Tangible Personal Property~~ Materials, Equipment, Supplies, and Public Works.**
- 2.106.045 Procedure for Purchases of ~~Tangible Personal Property~~ Materials, Equipment or Supplies – Office of the Pierce County Council.**
- 2.106.050 Procedure for Solicitation and Purchase of Service Contracts.**
- 2.106.055 Compost Procurement.**
- 2.106.060 Exceptions to Competitive Formal Sealed Bid Procedures.**
- 2.106.070 Emergency Purchases.**
- 2.106.080 Time of Bid or Bid Withdrawal.**
- 2.106.090 Amendment of Invitation to Bid.**
- 2.106.100 Vendor Lists.**
- 2.106.110 Criteria for Qualification.**
- 2.106.120 Nonacceptance.**
- 2.106.130 Removal or Suspension.**
- 2.106.140 Appeal.**
- 2.106.150 Reapplication or Reinstatement.**
- 2.106.160 Bid Bonds.**
- 2.106.170 Facsimile Invitation to Bid.**
- 2.106.180 Telephone Bids.**
- 2.106.190 Hand-Carried Bids.**
- 2.106.200 Form of Bid.**
- 2.106.210 Standard Specifications.**
- 2.106.220 Interpretation of Specifications.**
- 2.106.230 Request for Samples, Descriptive Literature.**
- 2.106.240 Alternate Bid.**
- 2.106.250 Pre-Bid Conferences.**
- 2.106.260 Award.**
- 2.106.270 Partial Award.**
- 2.106.280 Standard Certificate of Award.**
- 2.106.290 Rejection.**



- 1 **2.106.300 Acceptance of Terms.**
- 2 **2.106.310 Handling of Bids at Opening.**
- 3 **2.106.320 Mistakes in Bid Detected Prior to Bid Opening.**
- 4 **2.106.330 Mistakes in Bid Detected During or After Bid Opening.**
- 5 **2.106.340 Disclosure of Bid Information.**
- 6 **2.106.350 Cancellation of Invitation to Bid or Rejection of all Bids.**
- 7 **2.106.360 Notice of Cancellation or Rejection of Bids.**
- 8 **2.106.370 Performance Bond.**
- 9 **2.106.380 Product Fitness.**
- 10 **2.106.390 Price Escalation.**
- 11 **2.106.400 Change of Product Offered.**
- 12 **2.106.410 Intergovernmental Cooperative Purchasing.**
- 13 **2.106.420 Authorization to Implement Procedures.**
- 14 **2.106.425 Exemptions.**
- 15 **2.106.426 Single Source or Special Facilities, Services, or Market Conditions.**
- 16 **2.106.430 Severability.**

17

18 **2.106.030 Purchasing Agent Position Created.**

- 19 A. There is created the post of Pierce County Purchasing Agent (Agent), through whom all
- 20 heads of County departments and departments of elected County officials shall make
- 21 their purchases of every kind and character for and on account of Pierce County. The
- 22 Agent shall prepare, award, and execute contracts and finally accept upon completion of
- 23 work, with the exception of contracts for public works for public roads, which shall be
- 24 prepared, awarded, executed, and finally accepted upon completion of work by the
- 25 Director of Planning and Public Works Department, in accordance with procedures set
- 26 forth in this Chapter.
- 27 B. Within the limits of available technology and personnel capabilities:
- 28 1. The Agent shall develop a system to collect information concerning the type, cost,
- 29 quality, and annually consumed quantity of commonly used supplies, materials, and
- 30 equipment and shall purchase such items in quantities for a period of time as
- 31 determined by County-wide demand, volume purchase cost savings, storage costs,
- 32 unique market conditions and other available information clearly indicating a
- 33 continuing need for such items.
- 34 2. The Agent shall develop a system to maintain current records of the amounts
- 35 purchased off of each annual and blanket contract.
- 36 C. Credit Card Purchases. The Agent shall:
- 37 1. Establish and maintain all credit arrangements with appropriate vendor(s) or credit
- 38 card companies.
- 39 2. Promulgate policies and procedures governing their use, including but not limited to:
- 40 a. Authorization, distribution, and credit limits associated with credit cards;
- 41 b. Revocation for misuse;
- 42 c. System for control of payment process.
- 43 Personal use of official credit cards is prohibited. Cash advances on credit cards are
- 44 prohibited. Cards must be surrendered to the Department of Finance if used in a manner
- 45 which is inconsistent with County policy.
- 46
- 47



1 **2.106.035 Competitive Bidding for Public Works Projects.**

2 All Public Works construction shall be performed following competitive bidding by
3 independent contractors as required by state law. ~~when the projected value of a project exceeds~~
4 ~~\$25,000.00. (Pierce County Charter Section 9.15 as amended November 28, 1987.)~~

5
6 **2.106.040 Procedure for Purchases of ~~Tangible Personal Property~~ Materials, Equipment,**
7 **Supplies, and Public Works.**

8 For all purchases of ~~tangible personal property, in excess of \$25,000.00~~ materials,
9 equipment, and supplies, and public works purchases of \$10,000.00 or more, ~~or such future in~~
10 excess of the limits ~~as may be set by State Law~~ state law, the Agent or designee shall prepare bid
11 specifications and advertise for bids as required by ~~State~~ state law. In addition, the Agent shall
12 mail Invitations to Bid to a sufficient number of prospective bidders to elicit adequate
13 competition, such vendors being drawn from established vendor lists and from any other source
14 thought to be of advantage to the County.

15 The Agent shall have the authority to extend contracts entered into under the provisions of
16 this Section upon the same terms, conditions, and consideration for a period of up to five years,
17 when the Agent shall deem such extensions to be in the best interest of Pierce County.

18
19 **2.106.045 Procedure for Purchases of ~~Tangible Personal Property~~ Materials, Equipment**
20 **or Supplies -- Office of the Pierce County Council.**

21 The Chair of the Council or designee shall be the authorizing authority for purchases of
22 ~~tangible personal property~~ materials, equipment and supplies to support the duties and functions
23 of the Office of the Pierce County Council; provided, that purchases of ~~tangible personal~~
24 ~~property~~ materials, equipment or supplies in excess of \$5,000.00 shall also require approval by
25 the Rules and Operations Committee. Such purchases shall be funded from the appropriation for
26 the Office of the Pierce County Council except as otherwise designated by Ordinance and shall
27 otherwise meet the requirements of this Chapter.

28 For all purchases of ~~tangible property~~ materials, equipment and supplies by the Office of the
29 Pierce County Council in excess of \$25,000, ~~or such future~~ the limits ~~as may be set by State~~ state
30 law, the Agent or designee shall prepare bid specifications and advertise for bids as required by
31 ~~State~~ state law. In addition, the Agent shall mail Invitations to Bid to a sufficient number of
32 prospective bidders to elicit adequate competition, such vendors being drawn from established
33 vendor lists and from any other source thought to be of advantage to the County.

34
35 **2.106.050 Procedure for Solicitation and Purchase of Service Contracts.**

- 36 A. Annually, the Agent shall determine the County's anticipated requirements for any
37 category or type of service and shall publish an announcement of these requirements. If
38 the County later requires any further, previously unpublished services, it shall publish
39 additional announcements on each occasion when such services are required. All such
40 publications shall include a request that firms interested in providing those services to
41 the County submit a statement of qualifications and performance data to be placed on
42 file.
- 43 B. Prior to entering into a service contract for an amount of \$25,000.00 or greater, the
44 requesting department or the Agent, when appropriate, shall evaluate all statements on
45 file, together with those that may be submitted by other firms and shall conduct
46 discussions with one or more firms regarding anticipated concepts and the relative utility
47 of alternative methods of approach. Written criteria shall then be developed in



1 consultation with the requesting department, which will be used to determine which firm
2 to recommend for contract award. Such criteria may include the following:

- 3 1. Quality of past performance;
- 4 2. Known and documented expertise;
- 5 3. Documentation, as required, and demonstration of financial capability to perform
6 required work;
- 7 4. Cost of performance, where appropriate.

8 C. Prior to entering into service contracts between \$25,000.00 and \$25,000.00-49,999.00, at
9 least three vendors, if possible, shall be contacted and provided with the scope of work,
10 including the project description, with responses being submitted, either in writing or by
11 phone. The requesting department or the Agent, when appropriate, shall rank the
12 proposals submitted based on the criteria set forth in subsection B of this Section and
13 shall award to the vendor best meeting the needs of the County. In the event that a
14 satisfactory contract cannot be negotiated with the highest ranked contractor, the
15 requesting Department or Agent shall then begin negotiations with the next highest
16 ranked contractor.

17 D. Prior to entering into service contracts for ~~exceeding \$25,000.00~~ ~~or greater~~, the
18 Executive or designee, or Council as set forth in subsection G of this Section, shall:
19 1. Develop specifications with a project description in the form of a Request for
20 Proposal in concert with the requesting County department;
21 2. Publicly advertise the Request for Proposals and include the name of a contact
22 person from whom the project specifications shall be available;
23 3. Rank the proposals submitted based on the criteria set forth in subsection B. of this
24 Section and award the contract in a manner that is in the best interest of the County;
25 provided, that in the event the County fails to negotiate satisfactory terms with the
26 highest ranked proposed contractor, the Executive shall then begin negotiations with
27 the next highest ranked contractor.

28 E. The selection of a Vendor for Architectural and Engineering services may be
29 accomplished by following the procedures set forth by ~~State-state~~ law Chapter ~~RCW~~
30 39.80 RCW.

31 F. Exceptions to the competitive solicitation provisions of this Section:

- 32 1. Services of Special Deputy Prosecuting Attorneys.
- 33 2. Services of attorney(s) appointed pursuant to legal mandate by the Courts or the
34 Department of Assigned Counsel.
- 35 3. Services (e.g., professional, forensic, technical, consultant) deemed necessary by the
36 Courts or the Department of Assigned Counsel to provide effective assistance of
37 counsel and services deemed necessary by the Prosecuting Attorney to provide
38 effective legal representation.
- 39 4. Appointment of service providers whose selection is solely within the discretion of
40 the Courts.
- 41 5. Services of a Hearing Examiner appointed pursuant to PCC 1.22.060.
- 42 6. Single Source or Special Facilities, Services, or Market Conditions. Services which
43 are clearly and legitimately limited to a single known source of supply, and contracts
44 involving special facilities, services, or market conditions may be acquired through
45 direct negotiation with a single vendor.



1 G. Council Service Contracts. The Pierce County Council shall follow the procedures in
2 this Chapter when contracting for services to support the duties and functions of the
3 Office of the Pierce County Council.-The Chair of the Council, or designee, shall be
4 authorized to enter into contracts and contract modifications for such services when
5 approved by the Rules and Operations Committee. Council service contracts shall be
6 funded from appropriations for the Office of the Pierce County Council or Special
7 Projects. Special Projects appropriations for Council service contracts shall be
8 designated through an appropriation Ordinance. The Executive or designee shall have
9 the authority to modify service contracts to accomplish the original scope of services
10 rendered to the County when it is deemed to be in the best interest of Pierce County;
11 provided, the Executive or designee shall make a quarterly report to the Council's Rules
12 and Operations Committee regarding all instances where additional compensation paid
13 to the vendor exceeded 50 percent of the original contract amount and the original
14 contract amount was \$25,000.00 or greater.

15
16 **2.106.060 Exceptions to Competitive Formal Sealed Bid Procedures.**

17 A. Small Purchases.

- 18 1. In accordance with the provisions of RCW 36.32.245 and ~~36.32.250~~36.32.235, the
19 Agent is granted authority to let any contract, lease, or purchase of materials,
20 equipment, or supplies, ~~services involving less than \$25,000.00~~ and public works
21 ~~under \$10,000.00,~~ at and below the limits set forth in state law without
22 advertisement and without formal competitive bidding; to prevent the artificial
23 division of purchase requirements to constitute a small purchase under this Section,
24 the Agent shall accumulate and consolidate purchase orders County wide, to the
25 greatest extent possible, based on the ordering department's and the Agent's best
26 knowledge of known quantity requirements at a known time. The Agent shall adopt
27 procedures to implement this subsection for purchases or leases of material,
28 equipment, services, and supplies of less than \$5,000.00, and for public works
29 purchases less than \$10,000.00.
- 30 2. In the case of purchases, except services and public works, for ~~an~~ amounts as set
31 forth in state law ~~between \$5,000.01 and \$10,000.00,~~ the following procedures shall
32 be followed:
- 33 a. Telephone and/or written quotations shall be obtained from at least three
34 vendors, if possible, to assure establishment of a competitive price and to award
35 such contract to the lowest responsible bidder.
- 36 b. Immediately after the award is made, the bid quotations or proposals obtained
37 shall be recorded and opened to public inspection.
- 38 3. In the case of purchases, except services and public works in amounts as set forth in
39 state law ~~from \$10,001.00 to \$25,000.00,~~ the Agent shall follow the following
40 procedures:
- 41 a. Requests for Quotation will be prepared and mailed to three or more vendors, if
42 possible, such vendors being drawn from established vendor lists and from any
43 other source thought to be of advantage to the County.
- 44 b. The Requests for Quotation shall be opened at a place and manner as specified
45 by the Agent.
- 46 c. Award will be made to the lowest responsible bidder.



- 1 d. Immediately after the award is made, the bid quotations shall be recorded and
2 opened to public inspection.
- 3 4. ~~In the case of~~ Consistent with limits set forth in state law for public works purchases,
4 ~~from \$10,000.00 to \$300,000.00~~ the procedures for small works contract awards
5 process may be used.
- 6 5. Pierce County may utilize any changes to bid limits set forth in ~~State~~ state law.
- 7 B. Single Source or Special Facilities, Services, or Market Conditions. Purchases which are
8 clearly and legitimately limited to a single known source of supply, and purchases
9 involving special facilities, services, or market conditions may be acquired through
10 direct negotiation with a single vendor.
- 11 C. Used Equipment.
- 12 1. The purchase of used equipment from private vendors is generally considered to be a
13 purchase falling within the exceptions set forth in subsection B of this Section. A
14 County department desiring to purchase used equipment shall be responsible to
15 determine what used equipment is available on the market and properly record this
16 search. The purchase request must fully justify the acquisition of used equipment.
- 17 2. In the case of purchases in excess of \$25,000.00, notice of the intention to purchase
18 the used equipment, a description of the equipment, and a deadline for submitting
19 bids to sell, shall be advertised by publishing a notice at least one week prior to said
20 deadline in the legal newspaper or appropriate trade journal. The notice so published
21 shall state that anyone desiring to sell to the County similar used equipment should
22 contact the Agent for full requirements of the equipment, and then submit a bid in
23 writing to the location specified by the Agent stating the equipment offered; the sale
24 price; the owner's name, address, and phone number; and time and place where the
25 equipment can be seen.
- 26 3. The Agent, with the assistance of the requesting department, shall review all bids
27 and make an award as best meets the needs of the County. On bids exceeding
28 \$50,000.00, the Executive shall make the award.
- 29 D. Service contracts subject to the provisions of PCC 2.106.050.
- 30 ~~E. Credit Card Purchases. The Agent shall:~~
- 31 ~~1. Establish and maintain all credit arrangements with appropriate vendor(s) or credit~~
32 ~~card companies.~~
- 33 ~~2. Promulgate policies and procedures governing their use, including but not limited to:~~
- 34 ~~a. Authorization, distribution, and credit limits associated with credit cards;~~
35 ~~b. Revocation for misuse;~~
36 ~~c. System for control of payment process.~~
- 37 ~~Personal use of official credit cards is prohibited. Cash advances on credit cards are~~
38 ~~prohibited. Cards must be surrendered to the Department of Finance if used in a manner~~
39 ~~which is inconsistent with County policy.~~

41 **2.106.426 Single Source or Special Facilities, Services, or Market Conditions.**

42 For any purchase or service to be acquired under PCC 2.106.050 F.6. or 2.106.060 B., the
43 Agent must make the proposed acquisition, along with its documented justification, available for
44 public inspection on a single location on the County's website not less than ten working days
45 prior to the proposed starting date of the contract. If any business entity can demonstrate that the
46 requirements of PCC 2.106.050 F.6. or 2.106.060 B. have not been met during that ten work day
47 period, the acquisition must be competitively procured.

