

ORDINANCE NO. 2022-41

**AN ORDINANCE OF THE CITY OF RICHLAND, WASHINGTON,
AMENDING CHAPTER 3.04 OF THE RICHLAND MUNICIPAL
CODE TO ADD A NEW SECTION ENTITLED COMPOST
PROCUREMENT IN COMPLIANCE WITH RCW 43.19A.150.**

WHEREAS, the City has need, from time to time, to amend the Richland Municipal Code (RMC) to come into compliance with state law; and

WHEREAS, the Washington State Legislature recently enacted Engrossed Second Substitute House Bill (ESSHB) 1799, which requires cities and counties with populations greater than 25,000, and those with existing organics collection services, to adopt a compost procurement ordinance to implement RCW 43.19A.120; and

WHEREAS, the ordinance required by ESSHB 1799 must be adopted on or before January 1, 2023.

NOW, THEREFORE, BE IT ORDAINED by the City of Richland as follows:

Section 1. Chapter 3.04 of the Richland Municipal Code, entitled Purchasing, as first enacted by Ordinance No. 45-15, and last amended by Ordinance No. 2022-29, is hereby amended as follows:

**Chapter 3.04
PURCHASING**

Sections:

- 3.04.010 Purpose.**
- 3.04.020 Policy statement.**
- 3.04.030 Definitions.**
- 3.04.040 General provisions.**
- 3.04.050 Purchase of goods.**
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- 3.04.075 Compost Procurement.**
- 3.04.080 Amendments and change orders.**
- 3.04.090 Intergovernmental agreements.**
- 3.04.100 Cooperative purchasing.**
- 3.04.110 Purchases from/through the United States government.**
- 3.04.120 Emergencies.**
- 3.04.130 Exceptions to competitive solicitation requirements.**

3.04.010 Purpose.

This chapter is intended to direct the contracting for goods, services and public works at a reasonable cost using an open, fair, documented and competitive process whenever reasonable and

possible. The integrity, efficiency, and effectiveness of the city's procurement functions are critical elements of sound government.

3.04.020 Policy statement.

A. The city desires a fair and open process for procurement of goods and services that is free from the potential for bias and conflict of interest. In addition, the city desires consistent and appropriate practices for solicitations and contracting. All procurements of goods and services shall provide the city with the best quality and best value.

B. All purchases are to be made within budgetary limitations and for the purpose of the goals and objectives approved in the city's budget. Any purchase made that is not within budgetary limits shall be preapproved through a budget amendment process. All purchases made by the city shall ultimately be approved by the city council through the expenditure approval process.

C. The purchasing procedures of this chapter govern the purchase of goods, nonprofessional and professional services, public works contracts, and the small works roster process. The purchasing procedures for the lease of equipment or other personal property shall be based on the aggregate value of the lease payments used in lieu of a purchase price, following the procedure for the purchase of goods. The purchasing officer shall be responsible for administration of this chapter.

3.04.030 Definitions.

"Architectural and engineering services" means professional services rendered by any person, other than a city employee, to perform activities within the scope of the professional practice of architecture (Chapter 18.08 RCW), professional practice of engineering and land surveying (Chapter 18.43 RCW), and/or professional practice of landscape architecture (Chapter 18.96 RCW).

"Compost products" means mulch, soil amendments, ground cover, or other landscaping material derived from the biological or mechanical conversion of biosolids or cellulose-containing waste materials. The term "biosolid" is defined as provided in RCW 43.19A.010.

"Contract term option" is the right by which, for a specified time, the city may elect to extend the term of the contract.

"Craft or trade" means a recognized construction trade or occupation for which prevailing wage categories are established by the Department of Labor and Industries of the state of Washington.

"Emergency" means unforeseen circumstances beyond the control of the city that either present a real, immediate threat to the proper performance of essential functions or will likely result in material loss or damage to property, bodily injury or loss of life if immediate action is not taken.

"Formal solicitation process" is the competitive process of advertising and receiving submissions of bids or proposals from prospective vendors. The submissions are submitted in such a manner as to prevent their content from being revealed before the established due date and time for receipt.

"Goods" means all materials, supplies, equipment or other tangibles.

"Informal solicitation process" is obtaining competitive submissions from vendors that are obtained using a variety of mediums such as electronic submittal, phone, fax, e-mail, or writing.

“Interlocal agreements” are the exercise of governmental powers in a joint or cooperative undertaking with another public agency. Purchase of goods or services from another public agency which is not an exercise of the city’s governmental powers is not an interlocal agreement and shall be approved under RMC 3.04.050 and 3.04.060.

“Life cycle cost” means the total cost of an item to the city 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.

“Nonprofessional services” are services purchased by the city in which the contractor receives specific instructions and guidance from the city and does not meet the definition of professional services, or architectural and engineering services. Examples of nonprofessional services include machine repair, debt collection services, temporary service agencies, credit card services, equipment service agreements, auctioning services, software licenses, software maintenance, delivery services, inspections, advertising, etc. Prevailing wages may apply to nonprofessional service contracts.

“On-call contract” means a contract that is awarded with general provisions for the services to be rendered. As services are to be rendered, specific task orders are initiated that are to be completed by the contracting firm. Prevailing wages may apply to on-call contracts.

“Ordinary maintenance” is work not performed by contract and that is performed on a regularly-scheduled basis (e.g., daily, weekly, seasonally, semi-annually, but less frequently than once per year), to service, inspect, or replace items that are not broken; or work not performed by contract that is not regularly scheduled but is required to maintain the asset so that repair does not become necessary.

“Professional services” are customized services of specialized intellectual or creative expertise based on personal skill or ideas of an individual(s), generally one-time expertise to solve a problem or render professional opinions, judgments or recommendations. The labor and skill involved to perform these types of services are predominately mental or intellectual, rather than physical or manual. Examples include artistic design, marketing, analysis, financial expertise, accounting, attorneys, bond brokers, computer consultants, insurance brokers, economists, planners, real estate services, etc. This term does not include architectural and engineering services.

“Public work” as defined in RCW 39.04.010 means a complete project, and includes all work, construction, alteration, repair or improvement other than ordinary maintenance, executed at the cost of the city or which is by law a lien or charge on any city property. Public work projects include the related materials, supplies and equipment to complete the project.

“Purchasing officer” means the purchasing manager of the purchasing division of the administrative services department.

“Request for proposals (RFP)” means a process that requests interested firms to submit a proposal for completing a project. Proposals are evaluated based on criteria identified in the RFP, including, but not limited to, the quality of the proposal, experience, cost, and references.

“Request for qualifications (RFQ)” means a process that requests interested consultants to submit a statement of their qualifications. Submittals are evaluated based on criteria identified in the RFP, including, but not limited to, experience, expertise, and references. Cost cannot be a consideration until after a consultant has been selected at which point the price may be negotiated.

“Small works roster” is a roster of qualified contractors maintained for use in a modified formal bid process. When a public works project has an estimated value threshold as provided under RCW 39.04.155, as now enacted or hereafter amended, a city may follow the small works roster process for construction of a public work or improvement as an alternative to competitive formal solicitation requirements.

“Solicitation” means quotes, bids, requests for proposals and requests for qualifications.

3.04.040 General provisions.

A. The city manager shall be responsible for all city purchasing and may appoint a purchasing officer who shall be employed in the purchasing division of the administrative services department. The purchasing officer shall be charged with developing administrative procedures to implement this chapter. Procedures should ensure the fiscal responsibility of the city in expending resources for goods and services for city operations. The procurement procedures of the city shall be consistent with the Revised Code of Washington (RCW), guidance from the State Auditor’s Office and best business practices.

B. Federal or State Funds. When a procurement involves the expenditure of state or federal funds or grants, purchasing shall be conducted in accordance with any applicable federal or state laws or regulations.

C. Breaking Down or Splitting Purchases. The breaking down or splitting of any purchase or contract into units or accomplishing any purchase by phases for the purpose of avoiding the maximum dollar amount prescribed in this chapter is contrary to public policy and is prohibited.

D. Unauthorized Purchases. Only authorized individuals may financially obligate the city in the acquisition of goods, services and public works. Any financial obligation made by an individual lacking authority to procure on behalf of the city shall not be deemed ratified or approved by any city official, and the city shall not be bound thereby, except as may be required by law. Individuals procuring on behalf of the city without proper authorization may be held personally liable for unauthorized debts incurred.

E. Conflict of Interest.

1. To ensure objectivity and eliminate unfair competitive advantage, suppliers (vendors) and consultants who participate in the development or drafting of specifications, requirements, requests for quotes or proposals shall be excluded from competing for such purposes.

2. To avoid potential conflicts of interest, no employee, councilmember or contracted personnel should participate in the selection, award, or administration of purchases or contracts in which, to his or her knowledge, the individual, immediate family, or partner has a financial interest in the supplier’s organization.

F. Procurement Methods. Allowable procurement methods include the use of purchase orders, direct purchases (no purchase order), procurement cards (P-Cards), personal reimbursement, petty cash, credit cards, quotes, invitations to bid (ITB), requests for proposals (RFP), requests for qualifications (RFQ), small works roster (SWR), and contracts as the procurement methods are used in compliance with the city's purchasing policies. With appropriate security and internal controls, these procurement methods may be used electronically.

G. Signature Authority. The city manager may delegate the signature authority provided in this chapter to the purchasing officer or to other city employee(s) as deemed appropriate.

H. Standards for Determining Lowest Responsible Bidder.

1. Public Works – State Mandated Criteria. In determining lowest responsible bidder for a public works project, in addition to price, the criteria for bidder responsibility set forth in RCW 39.04.350(1), as now enacted or hereafter amended, shall apply.

2. Public Works – Supplemental Criteria. Supplemental criteria for bidder responsibility for public works projects set forth in RCW 39.04.350(2), as now enacted or hereafter amended, may be considered and may be set forth in the applicable bid documents.

3. Responsible Bidder Criteria. The following may also be considered by the city in determining bidder responsibility for all city procurements:

- a. The ability, capacity and skill of the bidder to perform the contract;
- b. Whether the bidder can perform the contract promptly, or within the time specified, without delay or interference;
- c. The reputation, experience and efficiency of the bidder;
- d. The quality of performance of previous contracts by the bidder in the city and in other jurisdictions;
- e. The previous and existing compliance by the bidder with laws, ordinances, and city policies relating to contracts or services;
- f. The sufficiency of the financial resources and ability of the bidder to perform the contract;
- g. The quality, availability and adaptability of the materials, supplies or equipment to the particular use required;
- h. The ability of the bidder to provide future maintenance and service for the use of the subject of the contract.

3.04.050 Purchase of goods.

A. Purchasing Limitations. Purchase limitations apply to the cost of an individual item; the aggregate sum of the same items; the aggregate sum of items used together in conjunction or closely related items to fulfill a specific business need, which are not part of a public works project

as defined by RCW 39.04.010, as now enacted or hereafter amended, and these policies. Total cost includes sales tax, delivery charges and any other miscellaneous charges.

B. The city manager may authorize, or delegate the authorization of, the acquisition of materials, supplies or equipment with a cost of \$500,000 or less.

1. Purchases Equal to or Less Than \$5,000. Purchases of goods where the cost is \$5,000 or less do not require any informal or formal competitive process or purchase order. Departments are allowed to make these purchases administratively in accordance with procedures developed by the purchasing officer.

2. Purchases Greater Than \$5,000 and Equal to or Less Than \$15,000. Purchases of goods where the cost is greater than \$5,000, but equal to or less than \$15,000, require the city to make every effort to obtain a minimum of three informal solicitations in accordance with procedures developed by the purchasing officer.

3. Purchases Greater Than \$15,000 and Equal to or Less Than \$50,000. Purchases of goods where the cost is greater than \$15,000, but equal to or less than \$50,000, require the city to obtain a minimum of three written informal solicitations (excluding telephone quotes) in accordance with procedures developed by the purchasing officer.

4. Purchases Greater Than \$50,000 but Less Than or Equal to \$500,000. Purchases of goods where the cost is greater than \$50,000, but less than or equal to \$500,000, require the city to follow a formal solicitation process in accordance with procedures developed by the purchasing officer.

5. Purchases Greater Than \$500,000. Purchases of goods where the cost is greater than \$500,000 require the city to follow formal competitive bidding process in accordance with procedures developed by the purchasing officer. The city council shall authorize these purchases based on the results of the formal solicitation process and purchasing officer recommendations.

6. Other than one-time purchases, any award for goods shall limit the total life of the contract term to the first period, and option time periods to less than or equal to five years, unless otherwise approved by the city manager. Prices for the first period and option time periods shall be firm and fixed wherever possible, and shall be established in the initial procurement. If it is not possible to establish firm, fixed prices, changes in any of the option period price shall be tied to a well-known, published pricing index, such as the appropriate Consumer Price Index (CPI) or documentation of cost increases that are passed on beyond the control of the supplier and passed onto the city.

C. Life Cycle Costing. In considering the purchase of goods, whenever there is a reason to believe that applying the life cycle costing method of a purchase evaluation would result in the lowest total cost to the city, first consideration shall be given to purchases with the lowest life cycle cost which complies with the specifications.

3.04.060 Services.

A. Purchasing Limitations. Purchase limitations apply to the cost related to the acquisition of services to fill a specific business need. Cost is inclusive of any required sales tax and related expenses.

1. Contracts, or task orders under an on-call agreement, to purchase services equal to or less than \$50,000 may be executed, or delegated, by the city manager.
2. Contracts to purchase services greater than \$50,000 shall be authorized by city council.
3. The initial contract procurement process should apply a realistic and complete scope of services and length of time necessary to complete a project unless intermediate stages have documented independent utility, or there is a need for immediate action on a project using a limited scope and council authorization on the full project is processed without delay.
4. The contract shall limit the total life of the contract term to the first period and option time periods to less than or equal to five years, unless otherwise approved by the city manager or council. Prices for the first period and option time periods shall be firm and fixed wherever possible and shall be established in the initial contract negotiation and execution. If it is not possible to establish firm, fixed prices, changes in any of the option period prices shall be tied to a well-known, published pricing index, such as the appropriate Consumer Price Index (CPI) or documentation of cost increases that are passed on beyond the control of the service provider and passed onto the city.

B. Contract Required. The purchase of services requires that the city enter into a contract for the service, with the exception of temporary employment agency services, auto repair, title reports, messenger/process service, as established by the purchasing officer. Standard services with a service provider where the total cost is equal to or less than \$5,000 in a calendar year do not require a contract. Departments are allowed to acquire these services administratively in accordance with procedures developed by the purchasing officer.

C. On-Call Service Contracts. On-call service contracts will be procured with the process identified in subsection (D) or (E) of this section. Individual task orders of on-call service contracts shall not exceed \$50,000.

D. Architectural, Landscape Architectural, and Engineering Services (A&E).

1. Procurements for architectural and engineering services shall be conducted as provided for in Chapter 39.80 RCW. The purchasing officer shall prescribe policies and procedures for use of the A&E roster(s) programs in accordance with state law.
2. Contracts that have an estimated cost of equal to or less than \$50,000 can be procured using an informal solicitation process in accordance with procedures developed by the purchasing officer.
3. Contracts that have an estimated cost in excess of \$50,000 must use a formal solicitation process in accordance with procedures developed by the purchasing officer; provided, however, that the city manager may in the following circumstance waive the solicitation

process for contracts greater than \$50,000, and allow the acquisition of services from the city's A&E roster(s):

- a. Quantifiable costs of delay in using an RFQ process are likely to outweigh higher quality performance expected from the formal solicitation process.

E. Professional and Nonprofessional Services (Excluding Architectural, Landscape Architectural, and Engineering Services).

1. Contracts that have an estimated cost of equal to or less than \$50,000 can be procured using an informal solicitation process in accordance with procedures developed by the purchasing officer.

2. Contracts that have an estimated cost in excess of \$50,000 must use a formal solicitation process in accordance with procedures developed by the purchasing officer; provided, however, that the city manager may in the following circumstances waive the solicitation process for contracts greater than \$50,000:

- a. Quantifiable costs of delay in using a formal solicitation process are likely to outweigh higher quality performance expected from the formal solicitation.

F. Procurement Record. The procurement record, proposal evaluation worksheet and each proposal, to the extent allowed by law, shall be open to public inspection following contract award.

3.04.070 Public works.

A. Purchase Order or Contract Required. All purchases for public works require a purchase order or executed contract.

B. Purchasing Procedures.

1. Total estimated cost for a public works project includes all amounts paid for materials, supplies, equipment, and labor on the construction of that project which is inclusive of sales tax, unless exempted by law, on one continuous or interrelated project where work is to be performed simultaneously or in close sequence.

2. Public works contracts shall follow bid requirements applicable to first class cities as set forth in RCW 35.22.620, as now enacted or hereafter amended, and procedures developed by the purchasing officer.

3. The city shall award all contracts under this section to the lowest responsible bidder as defined in RMC 3.04.040(H), as now enacted or hereafter amended; 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."

C. Purchasing Limitations. The award of public works projects equal to or less than the dollar threshold for small works projects as provided under RCW 39.04.155, as now enacted or hereafter amended, may be executed, or delegated, by the city manager.

D. Competitive Bids.

1. At the discretion of the city manager, projects for a single craft or multiple crafts with a reasonably anticipated price equal to or less than the dollar thresholds as provided under RCW 35.22.620(3), as now enacted or hereby amended, may not require the use of competitive quotes or bids. Departments may make these purchases administratively in accordance with procedures developed by the purchasing officer and approved by the city manager.
2. Projects for a single craft or multiple crafts with a reasonably anticipated price higher than the dollar thresholds as provided under RCW 35.22.620(3), as now enacted or hereafter amended, up to the maximum dollar threshold as provided in RCW 39.04.155, as now enacted or hereafter amended, shall either use the small works roster or a formal solicitation process developed by the purchasing officer.
3. Projects with a cost in excess of the maximum dollar threshold as provided in RCW 39.04.155, as now enacted or hereafter amended, require a formal solicitation process developed by the purchasing officer. The city council shall authorize these purchases and provide authority for the city manager to execute the related contract.

E. Small Works Roster.

1. For public works in which the estimated cost is equal to or less than the value threshold as provided under RCW 39.04.155, as now enacted or hereafter amended, the city may use a small works roster or rosters or limited public works as an alternative to bidding, provided, that in such case, the purchasing officer shall develop policies and procedures for use of small works roster and limited public works programs in accordance with law.
2. The purchasing officer shall make available a list of the contracts that have been awarded under the small works roster. The list shall contain the name of the awarded bidder, the amount of the contract, a brief description of the type of work performed, and the date it was awarded. The list may be posted on the city's website or made available from the purchasing officer.

3.04.075 Compost Procurement

A. When planning city-funded projects or soliciting and reviewing bids for such projects, city departments shall identify whether compost can be utilized in a city project. In the event that compost can be utilized, city departments shall require purchase of compost for use in city projects.

B. City departments shall plan for the use of compost in any of the following categories that are applicable to their operations and project types:

1. Landscaping projects;
2. Construction and post-construction soil amendments;
3. Applications to prevent erosion, filter stormwater runoff, promote vegetative growth, or improve the stability and longevity of roadways; and
4. Low-impact development and green infrastructure to filter pollutants or to keep water onsite or both.

C. Before the transportation or application of compost products under this section, the City must ensure compliance with Department of Agriculture pest control regulations provided in Ch. 16-470 WAC.

D. Notwithstanding subsections A and B of this section, city departments are not required to use compost products if:

1. Compost products are not available within a reasonable period of time;
2. Compost products that are available do not comply with existing purchasing standards;
3. Compost products that are available do not comply with federal, state or local health, quality and safety standards; or
4. Compost purchase prices are not reasonable or competitive.

E. City departments shall give priority to purchasing compost products from companies that:

1. Produce compost products locally;
2. Are certified by nationally recognized organization like the U.S. Composting Council; and
3. Produce compost products that are derived from municipal solid waste compost programs and meet quality standards comparable to standards adopted by the Department of Transportation or adopted by rule by the Department of Ecology.

F. City departments that use compost shall report the following information to the Public Works Department by each December 15:

1. The volume and cost of compost purchased by the city department in that year; and
2. The source or sources of the compost purchased by the city department in that year.

G. The Public Works Department is responsible for:

1. Providing technical assistance and education regarding the use of food and yard waste compost to city departments and staff;
2. Conducting educational outreach to inform residents and businesses about the value of food and yard waste compost and how the City uses compost in its operations each year; and
3. Reporting the total estimated tons of organic material diverted from the City's waste stream because of compost use under this section.

H. By December 31, 2024, and each December 31st of even-numbered years thereafter, the City shall submit a report covering the previous year's compost procurement activities to the Department of Ecology that contains the following information:

1. The total tons of organic material diverted throughout the year;
2. The volume and cost of compost purchased throughout the year; and

3. The source or sources of the compost.

3.04.080 Amendments and change orders.

A. Amendments and Change Orders.

1. Amendments or change orders to contracts, including interlocal agreements, which result in the final contract amount exceeding the purchase limits identified in this chapter may be administratively approved, or delegated, by the city manager if the changes are:

- a. Within the scope of the project or purchase;
- b. Executed in writing; and
- c. The amount is equal to or less than the city manager's purchase limit of \$50,000.

2. Contract amendments or change orders that are strictly a change to the contract expiration date may be administratively approved by the purchasing officer.

3. The value of all amendments or change orders will be aggregated, and when any single amendment or combination of change orders on the same project or purchase exceeds the limit under subsection (A)(1)(c) of this section the change must be approved by the city council, except:

- a. For service contracts to accomplish an ongoing city program rather than a discrete project, the aggregation of administrative change orders shall be recalculated after each contract year;
- b. Where the size of the contract makes it probable that administrative change order authority will be quickly exhausted, upon recommendation of the city manager, the city council may extend the aggregate limits of subsection (A)(1)(c) of this section upon award of a particular contract; and
- c. A contract amendment, when approved by the city council under subsection (A)(3) of this section, shall allow new administrative amendments or change orders to the amended contract to be approved under the requirements of subsection (A)(1) of this section.

3.04.090 Intergovernmental agreements.

Intergovernmental agreements, also known as interlocal agreements, that are the exercise of governmental powers in a joint or cooperative undertaking with another public agency shall be approved by council. Purchase of goods or services from another public agency (cooperative purchasing) are not included in this section. Intergovernmental agreements shall be approved by the city council.

3.04.100 Cooperative purchasing.

The purchasing officer shall have authority to enter into cooperative purchasing arrangements with other public agencies, including nonprofit corporations, as allowed under RCW 39.34.030, as now enacted or hereafter amended, when the best interests of the city would be served. Purchases made under an established cooperative purchasing agreement shall be approved under RMC 3.04.060 and 3.04.070. The purchasing officer shall prescribe policies and procedures for

using cooperative purchasing contracts in accordance with RCW 39.34.030, as now enacted or hereafter amended.

3.04.110 Purchases from/through the United States government.

A. In accordance with RCW 39.32.090, as now enacted or hereafter amended, this chapter allows for the purchase of supplies, materials, electronic data processing and telecommunication equipment, software, services, and/or equipment from or through the United States government without calling for competitive solicitations.

B. The purchasing officer is responsible for reviewing the proposed purchase to determine if the purchase is in the best interests of the city.

C. Purchases under this section shall be approved under RMC 3.04.060 and 3.04.070.

3.04.120 Emergencies.

A. Notwithstanding any other provisions of this section, the city manager or designee may make or authorize others to make emergency procurements of materials, supplies, equipment, or services, without complying with the requirements of this section when there exists a threat to public health, welfare, or safety, or where the city may suffer a substantial monetary loss by reason 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.

B. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file.

C. 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 listing of the item(s) procured under the contract, which shall be reported to the city council at the next subsequent meeting.

3.04.130 Exceptions to competitive solicitation requirements.

A. Open Market Purchases Allowed. The city manager or designee is authorized to allow open market purchases without obtaining competitive quotes, bids or solicitations under the following conditions:

1. Surplus or Distress Sale. When it is possible to procure obvious bargains through the procurement of surplus or distress material, supplies or equipment.
2. Auctions. RCW 39.30.045, as now enacted or hereafter amended, authorizes the city to acquire supplies, materials, and equipment through an auction conducted by the United States or any agency thereof, an agency of the state of Washington, a municipality or other government agency, or any private party, without quotations or bids, if the items to be purchased can be obtained at a competitive price.
3. Interlocal Joint Purchasing Agreements. Goods and services may be purchased under Chapter 39.34 RCW, as now enacted or hereafter amended, using joint purchasing agreements with organizations allowed under RCW 39.34.030 as now enacted or hereafter amended.
4. Procurements of goods, services or public works in the event of an emergency.

B. Waiver of Competitive Solicitation Requirements. The competitive solicitation requirements set forth in this chapter for goods and services may be waived by the city manager or designee; provided, however, that whenever the cost of the procurement exceeds \$50,000, the city manager or designee shall provide city council with a list of solicitations that have been waived. Competitive solicitation requirements may be waived for:

1. Single Source/Sole Source Procurement. Competitive solicitation requirements may be waived under circumstances where there is only one feasible supplier, including circumstances where the procurement is required to improve or maintain a proprietary system or where the procurement is intended to promote the standardization of a system by purchasing from a single source. The purchasing officer shall prescribe policies and procedures for use of sole or single source procurements.

2. Not Practicable Procurements. Competitive solicitation requirements may be waived when the obtaining of competitive solicitations will cause a delay resulting in an appreciable loss to the city. The purchasing officer shall prescribe policies and procedures for use of not practicable procurements.


3. Other Exemptions. The city manager may establish a policy exempting certain procurements or classes of procurements from the formal competitive process as recommended by the purchasing officer.

Section 2. This Ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

Section 3. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 4. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including but not limited to the correction of scrivener's errors/clerical errors, section numbering, references, or similar mistakes of form.

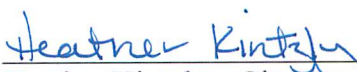
PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the 3rd day of January, 2023.


Terry Christensen, Mayor Pro Tem

Attest:


Jennifer Rogers, City Clerk

Approved as to Form:


Heather Kintzley, City Attorney

First Reading: December 20, 2022

Second Reading: January 3, 2023

Date Published: January 8, 2023