

ORDINANCE NO. 6 1 4 7

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AMENDING AUBURN CITY CODE CHAPTER 3.10 ENTITLED "PURCHASING POLICY" FOR THE PURPOSE OF REVISING CODE LANGUAGE TO CLARIFY INTENT

WHEREAS, a review of the current code revealed a need to clarify the language throughout the chapter.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. That Chapter 3.10 of the City of Auburn Code is amended to read as follows:

**Chapter 3.10
PURCHASING POLICY**

Sections:

- 3.10.010 Purchase order.
- 3.10.020 Expenditure limits.
- 3.10.025 Professional and personal services.
- 3.10.026 Public work projects – Contract amendment – Conditions.
- 3.10.028 Approval by council committee of asset and/or system expansions, additions, and betterments.
- 3.10.029 Competitive negotiations.
- 3.10.030 Administrative procedures authority.
- 3.10.050 Emergency purchases – Authorization.

3.10.010 Purchase order.

All payments for purchases of city goods and services in excess of \$100.00 shall be made only after a purchase order has been duly authorized and approved, ~~and any ordering of goods or services in excess of \$100.00 shall be~~

placed only after a validated purchase order has been received by the department. (Ord. 5490 § 1, 2000.)

3.10.020 Expenditure limits.

The following expenditure limits and authorization approvals shall apply for all expenditures of municipal goods and services. For contracts with total dollar amounts up to \$5,000, authority rests at the department director level. All contracts over \$5,000, up to \$25,000, and contracts for goods and services that have been individually and separately listed in the city's annual budget shall be approved and signed by the mayor prior to purchase order issuance or placement of an order with vendors. For all unbudgeted expenditures not individually and separately listed in the city's annual budget in excess of \$25,000, approval shall be obtained from the mayor, the appropriate council committee and the city council. Such committee approval shall be reflected in the committee minutes. (Ord. 5778 § 2, 2003; Ord. 5490 § 1, 2000.)

3.10.025 Professional and personal services.

A. Professional and personal services are those services involving specialized skill, education, and special knowledge. These services include, but are not limited to, architectural, engineering, design services, accounting, art, real estate appraisal, relocation assistance, title abstracts, surveying, soils analysis, and core testing.

B. Procurement and administration of such contracts are the responsibility of the mayor or the department director. The mayor/designees may sign professional or personal service contracts in conformity with ACC 3.10.020 and 2.03.030 where sufficient funding exists in the annual budget for an amount up to \$25,000. Contracts over \$25,000 require council action. Council action will be required to authorize amendments to contracts that are either not included in the budget or exceed the approved budget as follows:

1. When the original contract is under \$25,000 and was not included in the budget and the total of the amendment(s) will increase the total contract amount to more than \$25,000.

2. When the original contract is \$25,000 or more and was not included in the budget and the total of the amendment(s) will increase the total contract amount by more than \$25,000 and the amendment(s) are also not budgeted.

3. When the original contract was included in the budget and the total of the amendment(s) to the contract will increase the total contract amount to more than \$25,000 above the amount included in the budget. (Ord. 5640 § 1, 2002; Ord. 5490 § 1, 2000.)

3.10.026 Public work projects – Contract amendment – Conditions.

A. ~~Construction c~~Contracts which have been initially authorized by the city council may be amended administratively by the mayor/designees by change order, letter of instruction, or other legally appropriate form, up to the total maximum contract amounts set forth below:

1. ~~Awarded~~Initial contract amount plus up to ~~five~~twenty (20) percent for contracts originally ~~awarded~~authorized for up to \$~~1,0200,000~~.
2. ~~Awarded~~Initial contract amount plus up to ~~two and one-half~~fifteen (15) percent or \$~~540,000~~, whichever is greater, for contracts originally ~~awarded~~authorized for between \$~~1,0200,000~~ and \$~~5,0500,000~~.
3. ~~Awarded~~Initial contract amount plus up to ~~two~~ten (10) percent or \$~~1275,000~~, whichever is greater, for contracts originally ~~awarded~~authorized for between \$~~5,0500,000~~ and \$~~101,000,000~~.
4. ~~Awarded~~Initial contract amount plus up to ~~one~~five (5) percent or \$~~2100,000~~, whichever is greater, for contracts originally ~~awarded~~authorized for between \$ ~~1,000,000~~ and \$~~5,000,000~~.
5. ~~Awarded~~ contract amount plus up to ~~two and one half~~(2.5) percent or \$~~250,000~~, whichever is greater, for contracts originally awarded for over \$~~105,000,000~~.

B. If available budget contingency remains after the authorized total maximum contract amount, as defined in subsection A of this section, is reached, additional authorization to increase the total contract amount shall be obtained from the appropriate city council committee.

C. No administrative action is authorized, the result of which would be to amend a contract to increase the authorized total maximum contract amount, as defined in subsection A of this section, beyond funds approved by the city council. (Ord. 5525 § 1, 2001.)

3.10.028 Approval by council committee of asset and/or system expansions, additions, and betterments.

Asset and/or system expansions, additions, and betterments that have been recognized as authorized capital projects exceeding \$25,000 in the annual budget shall be reviewed by the appropriate council committee to formally initiate the project prior to a call for bids ~~when the project is either formally initiated or expenses in the aggregate have exceeded \$200,000.~~ (Ord. 5490 § 1, 2000.)

3.10.029 Competitive negotiations.

Competitive negotiations can be used as an alternative to the competitive bidding procedures for the acquisition of electronic data processing and

telecommunications systems, energy saving or energy related equipment or services, or when it is determined in writing that the use of competitive bidding is neither practicable nor advantageous to the city of Auburn.

“Electronic data processing” includes, but is not limited to, systems which comprise a combination of equipment or units to provide input of source data, and storage and processing of data and output in predetermined form, including a central processing unit (CPU) or main frame. (Ord. 5490 § 1, 2000.)

3.10.030 Administrative procedures authority.

The mayor is authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation. (Ord. 5490 § 1, 2000.)

3.10.050 Emergency purchases – Authorization.

The mayor is hereby authorized to make emergency purchases or enter into emergency contracts, such emergencies being:

- A. In case of any breakage or loss of equipment or in other circumstances in which any necessary service is or is about to be interrupted;
- B. In cases where the city will suffer loss by following the normal purchases and contract procedures;
- C. In situations where public health or safety may be jeopardized;
- D. In other cases as allowed by state law. (Ord. 5525 § 1, 2001.)

Section 2. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this ordinance.

Section 3. If any portion of this Ordinance or its application to any person or circumstances is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 4. This Ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication, as provided by law.

INTRODUCED: _____

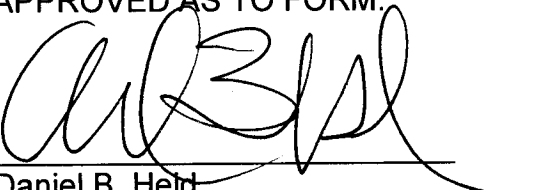
PASSED: _____

APPROVED: _____

PETER B. LEWIS
MAYOR

ATTEST:

Danielle Daskam
City Clerk

APPROVED AS TO FORM:


Daniel B. Held
City Attorney

Published: _____