

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

PROPOSED SUBSTITUTE ORDINANCE NO. 24-043

RELATING TO PURCHASES AND CONTRACTS; UPDATING REFERENCES; AND
AMENDING CHAPTER 3.04 SNOHOMISH COUNTY CODE

BE IT ORDAINED:

Section 1. Snohomish County Code Section 3.04.015, last amended by
Amended Ordinance No. 23-074 on September 13, 2023, is amended to read:

3.04.015 Exemptions.

(1) The following shall be exempt from the competitive requirements of this
chapter:

~~((1) Settlements of claims for taxes or damages of any sort, whether based
upon tort, contract, or otherwise;~~

~~(2) Contracts of employment, whether negotiated through duly authorized labor
representatives or not, and payroll disbursements or any other payments
incidental to such contracts;~~

~~(3) Travel and living expenses of officers and employees;~~

~~(4) Insurance and surety bond purchases;~~

~~(5) The following proprietary purchases:~~

~~(a) Utility billing (water, power, etc.);~~

~~(b) Postage, permit, fee, license involving a single source or governmental
agency;~~

~~(c))~~(a) Any care, training, or professional services for the physically and/or
mentally ill by any county agency;

~~((6) Interdepartmental transactions;~~

~~(7) Performance of work by day labor by county employees as allowed by state
law;))~~

~~((8))~~(b) The furnishing of any property, materials, construction, work or
labor by any person or entity in accord with any condition of any variance,

rezoning, platting, replatting, conditional use permit, or any other permit issued by the county;

~~((9))~~(c) *Foods*. If the products being purchased by the county are of a perishable nature, such as meats, fish, fresh or frozen fruits and vegetables, bakery products, dairy and poultry items, the purchase may be made by the department involved by direct negotiation, subject to the approval of the purchasing manager and such regulations as may be required by the county executive. Nonperishable foods (dry stores) shall be placed on bid at least once annually to determine the existence of a competitive base. If such a base at reasonable prices does not exist, the food involved may be purchased by direct negotiation by the department involved, subject to the approval of the executive;

~~((10))~~(d) ~~((Purchases, sales, leases, or licenses))~~Contracts incidental to the acquisition or disposition of real property;

~~((11) Any sale, lease, licensing, or other disposal of any other personal property or services by the county (see chapter 4.46 SCC);~~

~~((12) Any acquisition of property by the county by the exercise of the power of eminent domain;~~

~~((13))~~(e) Subawards, as that term is defined by 2 C.F.R. § 200.1, funded by federal or state grants, where the program, project or function being implemented has not been specifically authorized by the county council;

~~((14))~~(f) Contracts for the purpose of debt collection with collection agencies holding a valid license as required by chapter 19.16 RCW when said contracts have been reviewed and approved by the executive;

~~((15))~~(g) Any contract for goods and services required for the prosecution of litigation including expert witnesses, expert witness costs, medical evaluations, other expert evaluations, transcripts, court reporter's fees, copying and other items relating to litigation, which contracts may be negotiated by the prosecuting attorney;

~~((16))~~(h) Interlocal agreements under the authority of chapter 39.34 RCW and intergovernmental agreements for services. These agreements may be negotiated by the county executive, the head of any executive department, or county official. Intergovernmental agreements for services shall be approved in accordance with SCC 3.04.140. Interlocal agreements under the authority of chapter 39.34 RCW shall be approved in accordance with state law and the county charter~~((:))~~_i;

1 ~~((17))~~(i) Contracts funded by federal, state, or private grants or awards that
2 require the use of a specific supplier, subrecipient, or contractor to carry out
3 a grant project or program as a condition of the grant or grant award, where
4 the program, project or function being implemented has not been specifically
5 authorized by the county council;
6

7 ~~(j) ((and contracts))~~Contracts funded by a federal or state grant to the extent
8 the grant requires procurement to be accomplished pursuant to other law,
9 rule, regulation, or process, where the program, project or function being
10 implemented has not been specifically authorized by the county council;
11

12 ~~((18))~~(k) Contracts funded by the taxes and charges set forth in chapters
13 4.40, 4.41, and 4.118 SCC(-); and
14

15 ~~((19))~~(l) Any other transaction ~~((the procedures with respect to which are~~
16 ~~controlled by any other code section or-))~~for which an exemption to
17 competitive ~~((bidding-))~~requirements is provided under any other section of
18 county code or state law.
19

20 (2) The following shall be exempt from both the competitive and contracting
21 requirements of this chapter:
22

23 (a) Settlements of claims for taxes or damages of any sort, whether based
24 upon tort, contract, or otherwise;
25

26 (b) Contracts of employment, whether negotiated through duly authorized
27 labor representatives or not, and payroll disbursements or any other
28 payments incidental to such contracts;
29

30 (c) Travel and living expenses of officers and employees;
31

32 (d) Insurance and surety bond purchases;
33

34 (e) Utility billing (water, power, etc.);
35

36 (f) Postage, permit, fee, license involving a single source or governmental
37 agency;
38

39 (g) Interdepartmental transactions;
40

41 (h) Performance of work by day labor by county employees as allowed by
42 state law;
43

44 (i) Purchases, sales, leases, easements, covenants, or licenses affecting
45 real property;
46

1 (j) Any sale, lease, licensing, or other disposal of any other personal
2 property by the county (see chapter 4.46 SCC);

3
4 (k) Any acquisition of property by the county by the exercise of the power of
5 eminent domain;

6
7 (l) Subawards, as that term is defined by 2 C.F.R. § 200.1, funded by federal
8 or state grants where the program, project or function being implemented has
9 been specifically authorized by the county council;

10
11 (m) Contracts funded by federal, state, or private grants or awards that
12 require the use of a specific supplier, subrecipient, or contractor to carry out
13 a grant project or program as a condition of the grant or grant award, where
14 the program, project or function being implemented has been specifically
15 authorized by the county council;

16
17 (n) Contracts funded by a federal or state grant to the extent the grant
18 requires procurement to be accomplished pursuant to other law, rule,
19 regulation, or process, where the program, project or function being
20 implemented has been specifically authorized by the county council;

21
22 (o) Professional accreditations, licenses, fees, and dues necessary for
23 employees to fulfill assigned job duties; and

24
25 (p) Any other transaction for which an exemption to competitive
26 requirements is provided and for which the procedures for contracting are
27 controlled by any other section of county code.

28
29 **Section 2.** Snohomish County Code Section 3.04.135, last amended by
30 Amended Ordinance No. 23-074 on September 13, 2023, is amended to read:

31
32 **3.04.135 Small works, roster.**

33
34 (1) ((Pursuant to RCW 39.04.155))As authorized by state law, the division shall
35 ((develop and administer a))utilize a statewide small works roster or create and
36 maintain its own small works roster process for awarding contracts for
37 construction, building, renovation, remodeling, alteration, repair, or improvement
38 of real property with an estimated cost of \$350,000 or less, not including state
39 sales tax. ~~((The small works roster process shall include a limited public works~~
40 ~~process for projects estimated to cost less than \$50,000. The county council may~~
41 ~~exercise its discretion to use the competitive thresholds set forth in this section~~
42 ~~or, if higher, those set forth in RCW 39.04.155.))~~

43
44 (2) The small works roster process shall include direct contracting provisions for
45 projects estimated to cost less than \$150,000, not including state sales tax.
46

1 ((2)) (3) Pursuant to SCC 3.04.060(7), the manager shall adopt and publish
2 written procedures and guidelines necessary to implement this section.

3
4 ((3)) (4) The small works roster process may be administered by interlocal
5 agreement as provided in ((RCW 39.04.155 and)) Chapter 39.34 RCW or by
6 contract with a non-governmental service provider, including but not limited to the
7 Municipal Research and Services Center of Washington, provided that all such
8 agreements or contracts must be approved in accordance with SCC
9 3.04.015(1)(h), 3.04.140, and 3.04.210.

10
11 **Section 3.** Snohomish County Code Section 3.04.140, last amended by
12 Amended Ordinance No. 23-074 on September 13, 2023, is amended to read:

13
14 **3.04.140 Award, execution, by whom.**

15
16 (1) Contracts for intergovernmental services shall be awarded and approved by
17 the county council except those for \$100,000 or less which may be awarded and
18 approved by the county executive.

19
20 (2) ~~((Contracts for services for less than \$10,000 that are neither architectural~~
21 ~~and engineering services nor services incidental to public work may be awarded~~
22 ~~and approved by the head of any executive department or a county official.~~
23 ~~Contracts for services for \$50,000 or less that are neither architectural and~~
24 ~~engineering services nor services incidental to public work may be awarded and~~
25 ~~approved by the county executive. Contract amendments for services that are~~
26 ~~neither architectural and engineering services nor services incidental to public~~
27 ~~work and that in aggregate increase a contract by no more than 20 percent of the~~
28 ~~original contract amount may be approved by the county executive.)) The head of~~
29 any executive department or a county official may award and approve contracts
30 for services in SCC 3.04.201-203 and subsequent amendments where the
31 aggregate total of the contract and amendments is less than \$10,000. The
32 executive may award and approve contracts for services in SCC 3.04.201-203
33 and subsequent amendments where the aggregate total of the contract and
34 amendments is \$50,000 or less. The executive may delegate by executive order
35 such award, approval or signature authority as the executive deems appropriate.

36
37 (3) Contracts and subsequent amendments for architectural and engineering
38 services that in aggregate total \$50,000 or less may be awarded and approved
39 by the county executive. The executive may delegate by executive order such
40 award, approval or signature authority as the executive deems appropriate.

41
42 (4) The executive may award and approve subsequent amendments to contracts
43 for services approved by the county council where such amendments in
44 aggregate increase the original contract by no more than \$100,000 or 20%,
45 whichever is lower. The executive may delegate by executive order such award,
46 approval or signature authority as the executive deems appropriate.

1
2 ~~((3))~~(5) Contracts subject to bidding requirements for \$500,000 or less, for
3 public work, supplies, materials, and equipment for which sufficient appropriation
4 authority exists and which implement programs, projects, or functions the county
5 council has specifically authorized by motion or ordinance, may be awarded and
6 approved by the county executive. The executive may delegate by executive
7 order such award, approval, or signature authority as the executive deems
8 appropriate. Contracts subject to bidding requirements for more than \$500,000
9 for public work, supplies, materials, and equipment, shall be awarded and
10 approved by county council.

11
12 ~~((4))~~(6) Amendments, change orders, and orders for extra supplies, materials,
13 equipment, or public work for \$350,000 or less that in aggregate increase a
14 contract by no more than 20% of the original contract amount, on contracts
15 subject to bidding requirements for which sufficient appropriation authority exists
16 and where the extra supplies, materials, equipment, or public work was
17 addressed or could be reasonably assumed to be addressed in the original bid
18 documents, may be awarded and approved by the county executive, except as
19 provided in subsection ~~((6))~~(8) of this section. The executive may delegate by
20 executive order such award, approval or signature authority as the executive
21 deems appropriate.

22
23 ~~((5))~~(7) Contracts incidental to litigation for \$100,000 or less may be awarded
24 and approved by the prosecuting attorney.

25
26 ~~((6))~~(8) Options in purchase contracts to extend performance may be exercised
27 by the manager, with the concurrence of the official or department head involved,
28 when it is in the best interests of the county to do so.

29
30 ~~((7))~~(9) The purchasing manager or designee may approve contract
31 amendments for \$250,000 or less per year that extend or renew contracts that
32 have been previously competed for information technology software or
33 maintenance services.

34
35 (10) Contracts for \$500,000 or less, for a county subscription or county
36 membership in a trade or industry organization for which sufficient appropriation
37 authority exists and which implement programs, projects, or functions the county
38 council has specifically authorized by motion or ordinance, may be approved by
39 the county executive. The executive may delegate by executive order such
40 approval or signature authority as the executive deems appropriate.

41
42 ~~((8))~~(11) Except as provided by ordinance, all contracts shall be awarded and
43 approved by the county council.

1 **Section 4.** Snohomish County Code Section 3.04.170, last amended by
2 Ordinance No. 92-085 on August 12, 1992, is amended to read:

3
4 **3.04.170 Rebid contracts.**

5
6 Whenever a call for a bid which has been properly advertised results in no bids
7 received or whenever all bids submitted have been rejected (~~with good and~~
8 ~~reasonable justification by the authority charged with awarding the contract~~
9 ~~involved~~))for good cause, a new call for bids may be issued.

10
11 **Section 5.** Snohomish County Code Section 3.04.175, last amended by
12 Amended Ordinance No. 23-074 on September 13, 2023, is amended to read:

13
14 **3.04.175 Public work contracts.**

15
16 All public works shall be advertised and competed through formal sealed bidding,
17 except as otherwise provided by this chapter or state law.

- 18
19 (1) Contracts for public work under the authority of the (~~limited public~~
20 ~~works~~))small works roster process set forth in SCC 3.04.135(1) may be
21 awarded and approved by the (~~manager~~))executive;
22
23 (2) Contracts for public work under the authority of the small works roster
24 process set forth in SCC 3.04.135(2) may be awarded and approved by the
25 (~~county executive~~))manager;
26
27 (3) Unit priced contracts, as authorized by RCW 36.32.235(9), may be used for
28 public works projects for \$350,000 or less and may be awarded and approved
29 by the county executive;
30
31 (4) Job order contracts, as authorized by RCW 39.10.420, may be used for public
32 works projects. Work orders issued under such contracts for \$350,000 or less
33 (~~and~~))may be awarded and approved by the (~~county executive~~))manager.
34 Work orders for over \$350,000 to less than \$500,000 may be awarded and
35 approved by the county executive; and
36
37 (5) Contracts for public work estimated at \$25,000 or less are exempt from
38 competition and may be awarded and approved by the manager.
39

40 **Section 6.** Snohomish County Code Section 3.04.180, last amended by
41 Amended Ordinance No. 23-074 on September 13, 2023, is amended to read:

42
43 **3.04.180 Proprietary purchases.**

44
45 Requirements of advertisement and solicitation shall not apply to purchases and
46 contracts clearly and legitimately limited to single sources of supply and

1 purchases involving special training, special facilities, special services, market
2 conditions, or where compatibility is required with other county equipment,
3 procedures or systems in which instances purchase prices and other terms may
4 be established by direct negotiations by the manager. With the manager's
5 determination of a single source, ((Such))such contracts may be approved by the
6 executive ~~((except that the director may approve such contracts valued at less~~
7 ~~than \$10,000,))~~ unless approval by the council is required under the charter or
8 other provisions of this chapter.
9

10 **Section 7.** Snohomish County Code Section 3.04.202 added by Amended
11 Ordinance No. 23-074 on September 13, 2023, is amended to read:
12

13 **3.04.202 Services for which competition is waived.**
14

15 Competition for the following services valued from at least \$10,000 is waived~~((by the~~
16 ~~county executive or designee))~~:
17

- 18 (1) Legal services provided by an attorney; specialized legal training or
19 investigative services contracts; and indigency appointments through the
20 office of public defense;
21
- 22 (2) Medical and related services requiring a licensed physician, dentist,
23 optometrist, or other health care provider as defined by RCW 70.02.010(19);
24
- 25 (3) Barber and other hygiene services for inmates in a county detention facility;
26
- 27 (4) Performance-based contracts as defined in RCW 39.35A.020(6) that are
28 negotiated under chapter 39.35A RCW;
29
- 30 (5) Animal hospital, veterinarian, or animal care services for the following
31 programs: sheriff's office K-9 program, animal services, court therapy
32 animals, and the fairgrounds; and
33
- 34 (6) Training required by federal, state, or local law that requires the trainers or
35 training firms to be certified or approved by the federal, state, or local law.
36
- 37 (7) Extensions or renewals for information technology software or maintenance
38 services that have been previously competed by the county for the duration of
39 the use of the services if required duration is longer than defined in the
40 original competition.
41

42 **Section 8.** Snohomish County Code Section 3.04.265 added by Amended
43 Ordinance No. 23-074 on September 13, 2023, is amended to read:
44

45 **3.04.265 Reporting.**
46

1 Excluding contracts associated with goods, equipment, supplies, materials,
2 personal property, off-the-shelf software and contracts in support of litigation the
3 county executive shall summarize and make available to the public on the
4 county's website, information of all executed contracts including public works
5 contracts executed by the county after October 1, 2023.
6

7 **Section 9.** Snohomish County Code Section 4.46.141 last amended by
8 Ordinance No. 23-095 on October 25, 2023, is amended to read:
9

10 **4.46.141 Personal property—Disposition of surplus property.**
11

12 The county may dispose of surplus property by:
13

- 14 (1) Public sale;
15
16 (2) Negotiated sale if the county offered the property for public sale and did not
17 receive a bid within the advertised minimum value and terms;
18
19 (3) Negotiated sale, lease, or trade to a governmental agency;
20
21 (4) Negotiated sale of cut or fallen timber for firewood;
22
23 (5) Trade for new equipment as provided in ~~((SCC 3.04.130(11)))~~ procedures per
24 SCC 3.04.060(7);
25
26 (6) Recycling;
27
28 (7) Disposal or destruction;
29
30 (8) Donation of vehicles to government agencies or bona fide non-profit
31 organizations that provide services to the poor and infirm as provided in SCC
32 4.46.251;
33
34 (9) Any method approved by council motion if the council also determines an
35 emergency to exist with respect to the property; or
36
37 (10) Any method authorized by state law.
38

39 **Section 10** Snohomish County Code Section 4.46.201 last amended by
40 Ordinance 17-037 on August 2, 2017, is amended to read:
41

42 **4.46.201 County property—Authority to approve disposition of surplus**
43 **property.**
44

1 (1) Except as provided in this section or as otherwise provided by ordinance, the
2 council must approve the method used for the disposition of surplus county
3 property.
4

5 (2) The property officer may approve the disposition of surplus property in the
6 following circumstances:
7

8 (a) Sales of county property valued at \$10,000 or less;
9

10 (b) Recycling, disposal, or destruction of county personal property if the
11 property is worthless;
12

13 (c) Grants of easements on county real property where such easement is
14 valued at \$10,000 or less; and
15

16 (d) Releases of mineral rights reserved in treasurer's deeds if mineral
17 surveys indicate the absence of minerals with market value in excess
18 of the cost to remove the minerals.
19

20 (3) The executive may approve the disposition of surplus property in the
21 following circumstances:
22

23 (a) Sales of county property valued at \$25,000 or less;
24

25 (b) Recycling, disposal, or destruction of county personal property if the
26 property is worthless;
27

28 (c) Leases of the Snohomish County Airport as provided in SCC
29 2.10.010(12);
30

31 (d) Leases of residential county property for residential purposes.
32

33 (4) The purchasing manager may approve and conduct the disposition of surplus
34 county personal property traded for new equipment as provided in ((~~SCC~~
35 ~~3.04.130(11))~~procedures per SCC 3.04.060(7)) after notifying the property
36 officer.
37

38 (5) The fleet manager may approve and conduct the disposition of surplus
39 property through public sales of county fleet vehicles and equipment valued at
40 \$25,000 or less.
41

42 (6) The disposition approval authority granted to an individual in an executive
43 department by this section includes the authority to execute all documents
44 necessary to effectuate the disposition absent an executive order limiting such
45 authority to another individual.
46

Section 11 Sections 2 and 5 of this ordinance shall take effect July 1, 2024. All other sections shall take effect ten days after signature by the county executive or otherwise enacted.

PASSED this ____ day of _____, 2024.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Chairperson

ATTEST:

Clerk of the Council

() APPROVED
() EMERGENCY
() VETOED

DATE: _____

County Executive

ATTEST:

Approved as to form only:

/s/Rebecca Wendling 5/13/24

Deputy Prosecuting Attorney