

**ORDINANCE NO. \_\_\_\_\_**

**AMENDING WHATCOM COUNTY CODE SECTION 3.08.060G (BIDS AND PROPOSALS REQUIRED) TO UPDATE REQUIREMENTS FOR PURCHASING SYSTEM**

**WHEREAS**, WCC 3.08.060 Bids and Proposals required provision G has a sunset clause of June 18, 2024; and

**WHEREAS**, this provision enables the Health and Community services office to effectively address emergent issues in a timely manner; and

**WHEREAS**, Whatcom County seeks to improve the efficiency of operations by updating WCC 3.08.060 exemptions from bidding to be consistent with state law;

**NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that WCC 3.08.060 is hereby amended as presented in Exhibit A.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

ATTEST: WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

\_\_\_\_\_  
Dana Brown-Davis, Clerk of the Council

\_\_\_\_\_  
Barry Buchanan, Council Chair

WHATCOM COUNTY EXECUTIVE  
APPROVED AS TO FORM:

WHATCOM COUNTY, WASHINGTON

\_\_\_\_\_  
Approved by email/C. Quinn/B. Bennett

\_\_\_\_\_

Civil Deputy Prosecutor

Satpal Sidhu, County Executive

( ) Approved ( ) Denied

Date Signed: \_\_\_\_\_

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44

## EXHIBIT A

### **3.08.060 Bids and proposals required.**

Awards of contracts for the acquisition of materials, supplies, services, tools, equipment or rental of personal property and professional services exceeding \$40,000 will be based upon bids or proposals received in response to specifications and invitations to bid, except as provided below:

A. Sole source purchases shall not be required to go through competitive bidding. A purchase may be determined to be sole source by the county executive or designee when the bidding process would be futile because only one bidder could respond to the invitation.

B. In the event of an emergency when the public interest or property of the county would suffer material injury or damage by delay, upon an order of the county executive declaring the existence of such emergency and reciting the facts constituting same, the requirements governing competitive bids with reference to any purchase or contract may be waived pursuant to RCW [36.32.270](#).

C. Public works projects involving funds not exceeding the amount allowed under RCW [39.04.155](#), or any successor statute, may be completed utilizing the small works roster contract award process pursuant to WCC [3.08.095](#).

D. Acquisition is from another public entity.

E. Contract does not require use of county funds.

F. The procurement of professional services may be completed utilizing the consultant roster award process pursuant to WCC [3.08.096](#).

G. ~~Unless required by law, C~~ontracts ~~is~~ for services ~~with from an non-profit organizations and where~~ contract terms limit payment to the reimbursement of direct wages and benefits, supplies, beneficiary payments and overhead at the greater of 10 percent or the approved federal indirect overhead rate calculated on direct costs. ~~This clause shall be in effect until June 18, 2024.~~

H. Contract is for public defender services (RCW 36.32.245)

I. Contracts supporting low income housing projects (RCW 36.32.415)

J. Contracts for election materials containing the names of candidates and/or ballot titles (RCW 36.32.245).

Proposals from architects and engineers are subject to the requirements of Chapter [39.80](#) RCW. (~~Ord. 2022-046 Exh. A; Ord. 2021-083 Exh. A; Ord. 2021-070 Exh. A; Ord. 2016-032 Exh. A; Ord. 2013-029 Exh. A; Ord. 2007-004 Exh. A; Ord. 97-034 Exh. A; Ord. 93-042 Exh. H).~~