



# Whatcom County

COUNTY COURTHOUSE  
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## Agenda Bill Report

File Number: **AB2024-337**

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**File ID:** AB2024-337      **Version:** 1      **Status:** Adopted  
**File Created:** 05/13/2024      **Entered by:** MMITerko@co.whatcom.wa.us  
**Department:** Finance Division      **File Type:** Ordinance  
**Assigned to:** Council Finance and Administrative Services Committee      **Final Action:** 06/04/2024  
**Agenda Date:** 06/04/2024      **Enactment #:** ORD 2024-036  
**Related Files:**

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### TITLE FOR AGENDA ITEM:

Ordinance amending Whatcom County Code 3.08.060, Bids and Proposals Required

### SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

The attached ordinance amends Whatcom County Code 3.08.060, Bids and Proposals, by removing the sunset clause of provision G in order to improve the efficiency of operations and update exemption from bidding to be consistent with state law. Please see attached Exhibit A and memo.

### HISTORY OF LEGISLATIVE FILE

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<b>Date:</b>	<b>Acting Body:</b>	<b>Action:</b>	<b>Sent To:</b>
05/21/2024	Council	INTRODUCED	Council Finance and Administrative Services Committee
		Aye: 7 Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler	
		Nay: 0	
06/04/2024	Council Finance and Administrative Services Committee	RECOMMENDED FOR ADOPTION	
		Aye: 3 Byrd, Galloway, and Donovan	
		Nay: 0	
06/04/2024	Council	ADOPTED	
		Aye: 7 Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler	
		Nay: 0	

**Attachments:** Agenda Bill Report, Staff memo, Proposed Ordinance, Proposed Ordinance showing proposed changes

**ORDINANCE NO. 2024-036**

**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 4th day of June, 2024.

ATTEST:

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


WHATCOM COUNTY EXECUTIVE  
APPROVED AS TO FORM:

Approved by email/C. Quinn/B. Bennett  
\_\_\_\_\_  
Civil Deputy Prosecutor

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

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

WHATCOM COUNTY, WASHINGTON

  
\_\_\_\_\_  
Satpal Sidhu, County Executive

Approved      ( ) Denied

Date Signed: 6/21/24

## 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. Contracts for services with non-profit organizations 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.

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).