



# Whatcom County

COUNTY COURTHOUSE  
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## Agenda Bill Master Report

File Number: AB2022-280

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<b>File ID:</b>	AB2022-280	<b>Version:</b>	1	<b>Status:</b>	Adopted as Amended
<b>File Created:</b>	05/02/2022	<b>Entered by:</b>	THelms@co.whatcom.wa.us		
<b>Department:</b>	County Executive's Office	<b>File Type:</b>	Ordinance		
<b>Assigned to:</b>	Council Finance and Administrative Services Committee			<b>Final Action:</b>	06/07/2022
<b>Agenda Date:</b>	06/07/2022	<b>Enactment #:</b>	ORD 2022-046		

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Primary Contact Email: BBennett@co.whatcom.wa.us

### TITLE FOR AGENDA ITEM:

Ordinance amending Whatcom County Code Section 3.08.095, Small Works Roster Contract Award process, to update requirements for Bids and Proposals

### SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

See attached

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### HISTORY OF LEGISLATIVE FILE

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<b>Date:</b>	<b>Acting Body:</b>	<b>Action:</b>	<b>Sent To:</b>
05/10/2022	Council	INTRODUCED	Council Finance and Administrative Services Committee
		Aye: 7 Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner	
		Nay: 0	
		Absent: 0	
05/24/2022	Council Finance and Administrative Services Committee	FORWARDED TO COUNCIL WITH RECOMMENDED MOTION(S)	
		Aye: 3 Byrd, Frazey, and Kershner	
		Nay: 0	
		Absent: 0	

**Agenda Bill Master Report Continued (AB2022-280)**

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05/24/2022	Council	HELD IN COMMITTEE	Council Finance and Administrative Services Committee
		Aye: 7	Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner
		Nay: 0	
		Absent: 0	
06/07/2022	Council Finance and Administrative Services Committee	RECOMMENDED FOR ADOPTION WITH PROPOSED AMENDMENT(S)	
		Aye: 2	Frazey, and Kershner
		Nay: 1	Byrd
		Absent: 0	
06/07/2022	Council	ADOPTED AS AMENDED	
		Aye: 5	Buchanan, Donovan, Frazey, Galloway, and Kershner
		Nay: 2	Byrd, and Elenbaas
		Absent: 0	

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**Attachments:** Original Proposed Ordinance, Proposed Ordinance with Kershner Amendment

PROPOSED BY: Executive  
INTRODUCTION DATE: 5/10/22

**ORDINANCE NO. 2022-046**

**AMENDING WHATCOM COUNTY CODE SECTION 3.08.095 (SMALL WORKS ROSTER CONTRACT AWARD PROCESS) TO UPDATE REQUIREMENTS FOR BIDS AND PROPOSALS**

**WHEREAS**, WCC 3.08.060 currently requires all awards of contracts for professional services exceeding \$40,000.00 be based upon bids or proposals in response to specifications and invitations to bid subject to the provisions of WCC 3.08.090; and

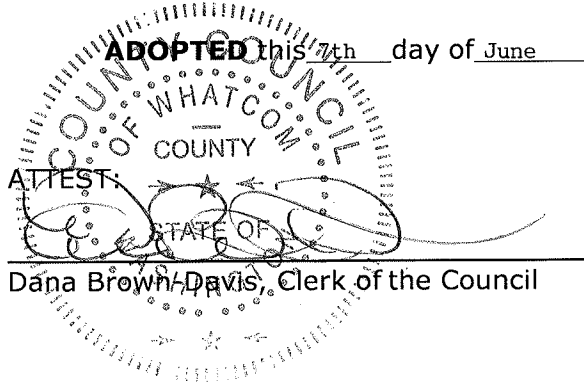
**WHEREAS**, the Whatcom County acquires services from non-profit organizations and limits compensation to direct costs of providing services plus documented overhead; and

**WHEREAS**, the request for proposal process is time consuming and frequently does not add value to the process due to a lack of competitive nature of non- profit social services; and

**WHEREAS**, the Whatcom County seeks to establish procedures for acquiring services from non-profit organizations that reimburses their costs of providing services without requiring time consuming request for proposals;

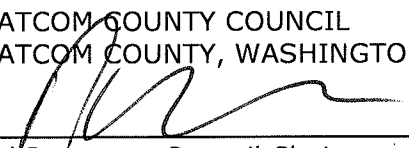
**NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that WCC 3.08.060 is hereby amended as presented in Exhibit A for two years following the effective date of this ordinance.

**ADOPTED** this 7th day of June, 2022.



Dana Brown-Davis, Clerk of the Council

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

  
Todd Dohovan, Council Chair

WHATCOM COUNTY EXECUTIVE  
WHATCOM COUNTY, WASHINGTON

APPROVED AS TO FORM:

Christopher Quinn per email 05/02/2022

Civil Deputy Prosecutor

  
Satpal Sidhu, County Executive

Approved      ( ) Denied

Date Signed: June 8, 2022

Final - Strike

**EXHIBIT 'A'**  
**WCC 3.08.060 PURCHASING SYSTEM**

**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, contract is for services from an organization and contract terms limit payment to the reimbursement of direct wages and benefits, supplies and overhead at the greater of 10% or the approved federal indirect overhead rate. This clause shall be in effect until June 18, 2024.