



## **ORDINANCE NO. 4025-24**

**An ORDINANCE relating to Amendments to the City's Procurement Policy, Amending Ordinance 3781- 20**

### **WHEREAS,**

A. In 2020, the City Council adopted Ordinance 3781-20, which adopted the City's Procurement Policy. The Procurement Policy states in its Section 15 that the Mayor may make amendments to Procurement Policy, and the Mayor has made certain administrative amendments since 2020. The Procurement Policy, as updated by those amendments, is available for reference on the Procurement Division's public website.

B. Other amendments to the Procurement Policy regarding small procurements are in the public interest and adopted by City Council with the ordinance, all as set forth below.

### **NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:**

**Section 1.** A new section is added to Section 8 of the Procurement Policy as follows:

Effective July 1, 2024, the City may use the small works roster processes contained in RCW 39.04.152, including the processes in RCW 39.04.152(b) for small public works projects with an estimated cost less than \$150,000 for the purpose of increasing the utilization of small businesses.

On recommendation from the Finance Department, the Mayor will add subsections to this new section in the Procurement Policy as necessary for implementation. These subsections may include processes, procedures, and references to new standard small works forms. RCW 39.04.152 will not be implemented before the City establishes a "small, minority, women, and veteran-owned business utilization plan" as required by RCW 39.04.152(b).

**Section 2.** A new section is added to Section 7 of the Procurement Policy:

When a City department requires a procurement with a cost estimate of \$10,000 to \$100,000 (including shipping but not including sales tax), the department may use this section for solicitation of quotations from suppliers instead of the Procurement Division administering the solicitation. The department must obtain at least three competitive quotations. The departments must demonstrate due diligence to ensure eligible small business suppliers are invited to provide quotations. To the extent practical, departments using this section must equitably distribute opportunities among qualified suppliers.

On recommendation from the Finance Department, the Mayor will add subsections to this new section

in the Procurement Policy as necessary for implementation. These subsections may include processes, procedures, and references to new standard quotation forms.

**Section 3.** The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any internal references.

**Section 4.** The City Council hereby declares that should any section, paragraph, sentence, clause or phrase of this ordinance be declared invalid for any reason, it is the intent of the City Council that it would have passed all portions of this ordinance independent of the elimination of any such portion as may be declared invalid.

**Section 5.** The enactment of this Ordinance shall not affect any case, proceeding, appeal, or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this Ordinance.

**Section 6.** It is expressly the purpose of this Ordinance to provide for and promote the health, safety, and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance. It is the specific intent of this Ordinance that no provision or any term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees. Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees, or agents, for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this Ordinance by its officers, employees or agents.



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Cassie Franklin, Mayor

ATTEST:



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Marista Jorve, City Clerk

PASSED: 5/15/2024

VALID: 05/16/2024

PUBLISHED: 5/18/2024

EFFECTIVE DATE: 5/31/2024

# Ordinance 4025-24

Final Audit Report

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