

**ORDINANCE NO. 2010-07**

**AN ORDINANCE** of the City of Bainbridge Island, Washington, relating to contracting for services other than public works; and amending Section 3.70.030 of the Bainbridge Island Municipal Code to provide for contracting authority for the City Manager regarding architectural, surveying and engineering service agreements.

**WHEREAS**, current BIMC 3.70.030(I) generally requires that all architectural, engineering and surveying agreements (regardless of the amount) be approved by the City Council; and

**WHEREAS**, in connection with the recent change in form of government of Bainbridge Island from the Mayor-Council to the Council-Manager plan of government, the City Council passed Ordinance No. 2009-18 which amended BIMC 3.70.020 to authorize the City Manager to execute professional and nonprofessional service agreements with a value of less than \$30,000 per year when such contracts have been already been appropriated in the budget (and excepting architectural, engineering and surveying agreements); and

**WHEREAS**, consistent with the contract authority provided in BIMC 3.70.020, it is respectfully requested and recommended that the City Council amend BIMC 3.70.030 to authorize the City Manager to execute architectural, engineering and surveying agreements with a value of less than \$30,000 per year when such contracts have been already been appropriated in the budget; and

**WHEREAS**, the City Council has determined that it is appropriate to amend BIMC 3.70.030 to authorize the City Manager to execute architectural, engineering and surveying agreements with a value of less than \$30,000 a year if the funds for such contracts have been already been appropriated in the budget; now, therefore,

**THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DOES ORDAIN AS FOLLOWS:**

Section 1. Section 3.70.030 of the Bainbridge Island Municipal Code is hereby amended as follows:

**“3.70.030 Contract procedures for architectural, surveying or engineering services.**

A. Once each calendar year, the public works director shall publish in the official newspaper, or a newspaper of general circulation, an announcement stating the city’s projected requirements for certain categories or types of architectural, surveying and engineering services. The announcement shall state concisely the general scope and nature of the project(s) or work for which the services are required and shall provide the city’s address.

B. For the purposes of this section, “architectural, surveying and/or engineering services” shall mean professional services rendered by any persons, other than as

an employee of the city, contracting to perform activities within the general definition of professional practice in Chapters 18.08, 18.43 and/or 18.96 RCW.

C. If the city requires any architectural, surveying and/or engineering services not contained in the city's annual announcement, the public works director shall publish additional announcements on each occasion. An additional announcement for architectural, surveying and/or engineering services shall be published in the official newspaper not less than two weeks prior to the closing date for receipt of requests for qualifications.

D. In the procurement of architectural, surveying and/or engineering services, the public works director shall encourage firms engaged in the lawful practice of their profession to submit annually a statement of qualifications and performance data.

E. Firms responding to the annual or additional announcements shall submit to the public works director:

1. A proposed scope of services;
2. Performance data; and
3. A letter of interest that includes statements regarding the availability of the firm to complete the work within the stated time period, current references, the firm's insurance coverage and the firm's financial stability.

F. The public works director shall evaluate current statements of qualifications and performance data on file, together with those that may be submitted by other firms regarding the proposed project, and shall conduct discussions with one or more firms regarding anticipated concepts and the relative utility of alternate methods of approach for furnishing the required services.

G. The public works director shall select from the firms responding to the city's annual or additional announcements, based upon the criteria and guidelines established by the public works director, the firm deemed to be the most highly qualified to provide the services required for the proposed project.

H. After the public works director has determined the firm most highly qualified to provide the services required, the public works director shall negotiate a contract with that firm for the services at a price which the public works director determines to be fair and reasonable. In making the determination, the public works director shall take into account the estimated value of the services to be rendered, as well as the scope, complexity, and professional nature thereof.

If the public works director is unable to negotiate a satisfactory contract with the firm selected at a price the director determines to be fair and reasonable, negotiations with that firm shall be formally terminated and the public works director shall select other firms in accordance with this section, until an agreement is reached or the process is terminated.

I. Once the public works director has negotiated a satisfactory contract for architectural, surveying and/or engineering services with a value of \$30,000 or more per year, the city council shall review and approve the contract.

J. Once the public works director has negotiated a satisfactory contract for architectural, surveying and/or engineering services with a value of less than \$30,000 per year, the city manager shall approve the contract; provided, that the funds for such contract has been appropriated in the subject budget. If the funds for any such contract have not been appropriated in the budget, such contract shall be subject to council approval, irrespective of the value of the contract.

Additionally, during the annual budget process, the council may designate and require that any particular contract for architectural, surveying and/or engineering services be subject to future council approval irrespective of the value of the contract.

K. For purposes of this section, a contract shall be deemed to have a value of \$30,000 or more if the contract on its face requires a city expenditure of \$30,000 or more in any year, or if pursuant to the terms of the contract, it is likely that the city's expenditures will meet or exceed \$30,000 in a year.

JL. The city shall not be required to comply with this section when an emergency situation exists. In cases of emergency, contracts for architectural, surveying and/or engineering services may be awarded pursuant to the procedures set forth in BIMC 3.72.130.

Section 2. This ordinance shall take effect and be in force five (5) days after its passage, approval and publication as provided by law.

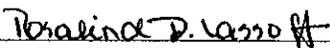
**PASSED** by the City Council this 14<sup>th</sup> day of April 2010.

**APPROVED** by the Mayor this 14<sup>th</sup> day of April 2010.



Bob Scales, Mayor

ATTEST/AUTHENTICATE:

  
Rosalind D. Lassoff, City Clerk

FILED WITH THE CITY CLERK:	March 8, 2010
PASSED BY THE CITY COUNCIL:	April 14, 2010
PUBLICATION DATE:	April 23, 2010
EFFECTIVE DATE:	April 28, 2010
ORDINANCE NO.	2010-07

