



**CITY COUNCIL MEETING AGENDA
TUESDAY, SEPTEMBER 20, 2022
HELD REMOTELY & IN PERSON AT CITY HALL
124 S. LEFEVRE ST.**

- Sign up to provide Public Comment at the meeting via calling in
- Submit Written Public Comment Before 4 pm on (September 20, 2022) - *SEE NOTE*
- Join the Zoom Meeting –
<https://us06web.zoom.us/j/82874699440?pwd=WUs4SHRVSEorQ0s5RTdyRHZkT21xZz09>

Meeting ID: 828 7469 9440

Passcode: 820921

One tap mobile

+12532158782,,82874699440#,,,,*820921# US (Tacoma)

+13462487799,,82874699440#,,,,*820921# US (Houston)

Dial by your location

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 444 9171 US

+1 719 359 4580 US

+1 720 707 2699 US (Denver)

+1 646 931 3860 US

+1 301 715 8592 US (Washington DC)

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 386 347 5053 US

+1 564 217 2000 US

+1 646 558 8656 US (New York)

Meeting ID: 828 7469 9440

Passcode: 820921

Find your local number: <https://us06web.zoom.us/j/kc2ns47vam>

WRITTEN PUBLIC COMMENTS

If you wish to provide written public comments for the council meeting, please email your comments to SDuncan@Medical-Lake.org by 4:00 p.m. the day of the council meeting and include all the following information with your comments:

1. The Meeting Date
2. Your First and Last Name
3. If you are a Medical Lake resident
4. The Agenda Item(s) which you are speaking about

*Note – If providing written comments, the comments received will be acknowledged during the public meeting, but not read. All written comments received by 4:00 p.m. will be provided to the mayor and city council members in advance of the meeting.

Questions or Need Assistance? Please contact City Hall at 509-565-5000

1. **CALL TO ORDER, PLEDGE OF ALLEGIANCE, ROLL CALL**
 - A. Absence(s): Councilmember Don Kennedy
2. **AGENDA APPROVAL**
3. **INTERESTED CITIZENS: AUDIENCE REQUESTS AND COMMENTS**
4. **ANNOUNCEMENTS / PROCLAMATIONS / SPECIAL PRESENTATIONS**
5. **REPORTS**
 - a. Council Committee Reports
 - b. Council Comments
 - c. Mayor
 - d. City Administrator & City Staff
6. **WORKSHOP DISCUSSION**
7. **GENERAL BUSINESS**
 - A. Consent Agenda
 - i. Approve **September 6, 2022**, Minutes
 - ii. Approve **September 20, 2022**, Claim Warrants **41691** through **41737** in the amount of **\$179,010.57**, Payroll Claim Warrants **41683** through **41690**, and Payroll Payable Warrants **20154** through **20159** in the amount of **\$144,640.91**.
 - iii. Approve Washington Utilities and Transportation Commission Petition to Modify Warning Devices at Stanley Street Railroad Crossing
 - B. Action Items
8. **PUBLIC HEARING / APPEALS – No items listed**
9. **RESOLUTIONS**
 - A. Resolution 22-544 Establishing Procedures for Small Purchases, Vendor List Purchases, Competitive Bidding, and Purchase of Services
10. **ORDINANCES**
 - A. Second Read Ordinance 1100 Procurement Policy Amending MLMC 2.20.010 Purchase Requisition
11. **EMERGENCY ORDINANCES – No items listed**
12. **UPCOMING AGENDA ITEMS**
13. **INTERESTED CITIZENS**
14. **EXECUTIVE SESSION – No items listed**
15. **CONCLUSION**

CITY OF MEDICAL LAKE
City Council Regular Meeting

6:30 PM
September 6, 2022

MINUTES

Council Chambers
124 S. Lefevre Street

NOTE: This is not a verbatim transcript. Minutes contain only a summary of the discussion. A recording of the meeting is on file and available from City Hall.

COUNCIL AND ADMINISTRATIVE PERSONNEL PRESENT

Councilmembers

Tony Harbolt
Art Kulibert
Bob Maxwell
Dawn Olmstead
Chad Pritchard
Heather Starr

Administration/Staff

Koss Ronholt, Finance Director/City Clerk
Steve Cooper, WWTP Director
Sean King, City Attorney

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, ROLL CALL

- A. Mayor Cooper called the meeting to order at 6:33 pm, led the Pledge of Allegiance, and roll call.
 - 1. Councilmember Kennedy submitted a request to be excused from all September Council meetings. Motion to approve the request made by Councilmember Kulibert, seconded by Councilmember Pritchard, motion carried 6-0.

2. AGENDA APPROVAL

- A. Additions to Agenda
 - i. Add three contracts to Action Items section 7B
 - 1. Contract for Police Services at Waterfront Park during Labor Day, motion to accept the addition of contract to agenda made by Councilmember Kulibert, seconded by Councilmember Starr, motion carried 6-0.
 - 2. Parks & Recreation contracts for Jazzercise and Yoga. Motion to accept the addition of contracts to agenda made by Councilmember Harbolt, seconded by Councilmember Pritchard, motion carried 6-0.
 - ii. Add grant request discussion to Workshop Discussion section 6B. Motion to add made by Councilmember Kulibert, seconded by Councilmember Starr, motion carried 6-0.
 - 1. Motion to accept agenda with additions made by Councilmember Pritchard, seconded by Councilmember Starr, motion carried 6-0.

3. INTERESTED CITIZENS: AUDIENCE REQUESTS AND COMMENTS

- A. None at this time

4. ANNOUNCEMENTS / PROCLAMATIONS / SPECIAL PRESENTATIONS – No items listed

5. REPORTS

- A. City Council & Council Committee Reports
 - i. Public Safety – Bill Dennstaedt, Deputy Chief FD3
 - 1. Confirmed that the EMS levy did not pass, and information will be corrected in the Cheney Free Press. Gave an update on current call stats reporting that Medical Lake has had 372 calls year-to-date.
 - ii. Parks & Rec – Councilmember Olmstead
 - 1. Gave an update on youth fall sports. Coaches are still needed. Fitness classes are being offered for adults/seniors. Information is in the newsletter, on Facebook, on flyers at City Hall, and Ms. Lomas is sending e-mails.
- B. Public Works
 - i. Steve Cooper – Interim Public Works Director
 - 1. Update on the broken water pipe and next steps. Mayor Cooper clarified that the water is potable, and the discharge has been re-routed.
- C. Finance Committee – Councilmember Starr
 - i. Reported that what the finance committee discussed will be gone over in detail during tonight's council meeting.
- D. Council Comments
 - i. Councilmember Pritchard – reported on the walk around Medical Lake and shared that another one will be held in December.
 - ii. Councilmember Starr – no report
 - iii. Councilmember Kulibert – reported on his caring for flower beds around City Hall.
 - iv. Councilmember Maxwell – no report
 - v. Councilmember Olmstead – expressed excitement for the upcoming parks & rec offerings.
 - vi. Councilmember Harbolt – commented that he would like to see a sheriff's department representative at council meetings.
- E. Mayor Cooper
 - i. Shared about the Transportation Improvement Board Grant Applications
 - ii. Shared that a Request for Proposals for the Solar Grant will be going out.
 - iii. Shared that the Planning Commission is continuing its work on the city's Critical Areas Ordinance.
 - iv. Shared that the city has received positive feedback regarding the monthly newsletter. Requested topics from the council for the newsletter. Councilmember Starr requested an excerpt about not feeding deer.
 - v. Shared about the Juvenile Justice and Delinquency Prevention program and the Youth Violence Prevention grant.
 - vi. Explained the reason for requesting to hold a workshop discussion regarding the procurement policy and ordinance.
- F. City Administrator & City Staff
 - i. Koss Ronholt 2nd Quarter Budget Report
 - 1. Gave a presentation on the Quarter 2 Budget Analysis

6. WORKSHOP DISCUSSION –

- A. Procurement policy (Resolution 22-544) - Koss Ronholt
 - i. Explained policy

- B. Grant Requests - Mayor Cooper
 - i. Shared that there are many grant opportunities available to the city. Asked the council how they would like to proceed when a grant opportunity is available. Council would like to proceed with applying for all grants available.

7. GENERAL BUSINESS

- A. Consent Agenda
 - i. Approve **August 16, 2022**, Minutes
 - 1. Motion to approve minutes made by Councilmember Kulibert, seconded by Councilmember Starr, motion carried 6-0.

 - ii. Approve **September 6, 2022**, Claim Warrants **41631** through **41682** in the amount of **\$86,341.96**
 - 1. Finance committee reviewed and recommends approval per Councilmember Starr.
 - 2. Motion to approve warrants made by Councilmember Pritchard, seconded by Councilmember Starr, motion carried 6-0.

- B. Action Items
 - i. Resolution 22-547 Interagency Reimbursement Agreement IAA23746 Between the Washington State Administrative Office of the Courts and the City of Medical Lake
 - 1. Mayor Cooper is recusing herself from the action item due to her position at the Cheney Municipal Court. Councilmember Kulibert will act as Mayor Pro Tem. Mayor Cooper explained the agreement in general terms.
 - a. Motion to adopt resolution made by Councilmember Harbolt, seconded by Councilmember Starr, motion carried 6-0.

 - ii. Contract for Police Services at Waterfront Park during Labor Day – motion to accept contract made by Councilmember Pritchard, seconded by Councilmember Kulibert, motion carried 6-0.

 - iii. Jazzercise Contract – motion to accept with a correction to reflect the title as Jazzercise with Julie Butler not Yoga (strike Yoga and correct to Jazzercise) made by Councilmember Pritchard, seconded by Councilmember Starr, motion carried 6-0.

 - iv. Senior Yoga and Fitness Classes Contract– Mayor requested to add “senior” and “classes” to the title on the contract. Motion to accept with amendments made by Councilmember Olmstead, seconded by Councilmember Harbolt, motion carried 6-0.

8. PUBLIC HEARING / APPEALS – Resolution 22-546 Authorizing the City of Medical Lake Six-Year Traffic Improvement Plan

- A. Public Hearing opened at 7:31 pm – no public comments, Councilmember Kulibert shared comments, and the mayor explained that the improvements listed are not chronological and can be done as necessary.
 - i. Closed hearing at 7:33 pm

- ii. Motion to adopt the resolution made by Councilmember Kulibert, seconded by Councilmember Olmstead, motion carried 6-0.

9. RESOLUTIONS

- A. Resolution 22-545 Juneteenth Floating Holiday Amending City of Medical Lake Personnel Policy
 - i. Motion to adopt the resolution made by Councilmember Starr, seconded by Councilmember Harbolt, motion carried 6-0.
- B. 9B was stricken from the agenda as it was already discussed under Action Items section 7Bi

10. ORDINANCES

- A. First Read Ordinance 1100 Procurement Policy Amending MLMC 2.20.010 Purchase Requisition
 - i. Koss Ronholt read the Ordinance title in full
 - ii. Motion to accept first read made by Councilmember Harbolt, seconded by Councilmember Olmstead, motion carried 5-1 with Councilmember Kulibert voting Nay.

11. EMERGENCY ORDINANCES – No items listed

12. UPCOMING AGENDA ITEMS

- A. Councilmember Pritchard would like to discuss Peper Park.

13. INTERESTED CITIZENS: AUDIENCE REQUESTS AND COMMENTS

- A. Lahnje Henderson 611 E Ladd – would like there to be discussion when there are recommendations made regarding 1st reading of ordinances.

14. EXECUTIVE SESSION – None

15. CONCLUSION

- A. Motion to conclude meeting made by Councilmember Pritchard, seconded by Councilmember Starr, motion carried 6-0 and meeting concluded at 7:47 pm.

Terri Cooper, Mayor

Koss Ronholt, Finance Director/City Clerk



WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Washington Eastern Railroad, LLC

Petitioner,

vs.

City of Medical Lake

Respondent

DOCKET NO. TR-

PETITION TO MODIFY WARNING DEVICES AT A HIGHWAY-RAILROAD GRADE CROSSING AND REQUESTING DISBURSEMENT OF FUNDS FROM THE GRADE CROSSING PROTECTIVE FUND

USDOT: 066330P

The Petitioner asks the Washington Utilities and Transportation Commission to approve modifications to warning devices at a highway-rail grade crossing, and to disburse funds from the Grade Crossing Protective Fund.

Section 1 – Petitioner’s Information

Washington Eastern Railroad, LLC

Petitioner

Signature

111 South LeFevre St.

Street Address

Medical Lake, WA 99022

City, State and Zip Code

1027 South Main Street, Joplin, MO 64801

Mailing Address, if different than the street address

Bruce Carswell

Contact Person Name & Signature

(575) 361-1810 bcarswell@jag-transport.com

Contact Phone Number and Email

Section 2 – Respondent's Information

City of Medical Lake
Respondent
124 S Lefevre Street
Street Address
Medical Lake, WA 99022
City, State and Zip Code
PO Box 369 Medical Lake WA 99022
Mailing Address, if different than the street address
Terri Cooper Mayor
Contact Person Name
509 565 5000
Contact Phone Number and Email

Section 3 – Crossing Location

1. Existing highway/roadway:	Stanley Street		
2. Existing railroad:	Washington Eastern Railroad		
3. USDOT Crossing No.:	066330P		
4. GPS location:	47.57837, -117.67443		
5. Railroad mile post (nearest tenth):	10.68		
6. City:	Medical Lake	County:	Spokane

Section 4 – Highway Information

1. Name of highway:

2. Road authority:

3. Average annual daily traffic (AADT):

4. Number of lanes:

5. Roadway speed:

6. Is the crossing part of an established truck route? Yes No

7. If so, trucks are what percent of total daily traffic?

8. Is the crossing part of an established school bus route? Yes No

9. If so, how many school buses travel over the crossing each day?

10. Describe any changes to the information in 1 through 9, above, expected within ten years:

An increase in bus traffic over the next 10 years to approx 16 to 18 bus crossings.

11. What is the available sight distance from the stop bar (or 25 feet from the tracks if no stop bar) on both approaches to the crossing?

northbound traffic – 500 feet to west, 450 feet to east
southbound traffic – 200 feet to east, 400 feet to west

12. If the sight distance is less than 400 feet, describe the structures, roadway or track curvature, visual obstacles or other characteristics that limit sight distance.

There is rail stacked in the NE quadrant of the crossing impairing visibility.

Section 5 – Railroad Information

1. Railroad company:

2. Type of railroad at crossing: Common Carrier Logging Industrial
 Passenger Excursion

3. Type of tracks at crossing: Main Line Siding or Spur

4. Number of tracks at crossing:

5. Average daily train traffic, freight:

Authorized freight train speed: Operated freight train speed:

6. Average daily train traffic, passenger:

Authorized passenger train speed: Operated passenger train speed:

7. Describe any changes to the information in 1 through 6 above, expected within ten years:

Possible increase in train speed to 25 MPH once track projects are complete

Section 6 – Current Warning Devices

Provide a complete description of the warning devices currently located at the crossing (vehicle and pedestrian), including signs, gates, lights, train detection circuitry, and any other warning devices.

Grade crossing is equipped with Flashing lights, cantilevers, and crossing gates. Train detection is an PMD-3 controller.

Pavement markings are located 100' to the south and 160' to the north.

W10-1 Advance Warning Signs are located 120' to the south and 150' to the north.

Section 7 – Description of Proposed Changes

Describe in detail the number and type of proposed automatic signals (vehicle and pedestrian), gates, other warning devices, and/or changes to train detection circuitry. (RCW 81.53.271)

Please describe any other proposed changes at the crossing, including changes to the crossing surface, signage, pavement markings, etc. If sidewalks are being installed, please provide information on who will maintain them. Attach additional information sheets, if needed.

Upgrades at location will consist of the installation and testing of (1) Alstom PMD-4 crossing controller, (1) program to be uploaded to PMD-4 crossing controller. (2) Narrow Band Shunt terminations. Updated "As in Service" (AIS) drawings.

Section 8 – Illustration of Crossing

Attach a detailed diagram, design drawing, map, or other illustration showing the current and proposed layout of the road, crossing surface, and railway in the vicinity of the crossing, including shoulders, sidewalks, lanes of travel, bike lanes, warning devices, pavement markings and any other applicable crossing conditions.

Section 9 – Traffic Signal Preemption

Are the railroad signals currently interconnected with a traffic signal(s)?

Yes No

Will this project interconnect railroad signals with a traffic signal(s) or modify the existing traffic signal preemption timing?

Yes No

If yes, attach documentation supporting the proposed traffic signal preemption timing calculations (e.g., [TXDOT Guide for Determining Time Requirements for Traffic Signal Preemption at Highway Rail Grade Crossings](#) or similar preemption worksheet/plan), which must be certified by a professional engineer.

Section 10 – Description of Public Safety Need

Describe and support the public safety need for the proposed changes. ([RCW 81.53.261](#))

Section 11 – Approximate Cost of Installation and Related Work

1. Provide the approximate cost of installation and related work for the proposed changes to signals and/or warning devices:

2. Provide an itemized breakdown of materials, names of the parties contributing to the project, including labor, and the amount each is contributing:

3. Provide the amount requested from the GCPF grant program ([RCW 81.53.271](#)):

Section 12 – Approximate Cost of Annual Maintenance

Provide the approximate cost of annual maintenance for the signals and/or warning devices (RCW 81.53.271):

Section 13 – Cost Apportionment

If the commission directs the installation of or changes to the warning devices requested in this petition, it will apportion installation and maintenance costs in accordance with the applicable statutes. (RCW 81.53.261-295)

Interested parties may instead enter into an agreement providing for the installation of signals or other warning devices or for the apportionment of the cost of installation and maintenance. (RCW 81.53.261) **If the parties to this petition have reached an agreement related to apportionment of costs, please sign here to confirm:**

Petitioner Signature: _____ Respondent Signature: _____

Section 14 – Project Completion Date

Project completion date:

Section 15 – Waiver of Hearing by Respondent

Waiver of Hearing

The undersigned represents the Respondent in the petition to modify highway-rail grade crossing warning devices at the following crossing.

USDOT Crossing No.

We have investigated the conditions at the crossing. We are satisfied the conditions are the same as described by the Petitioner in this docket. We have reviewed and have no objection to the proposed traffic signal preemption timing calculations as submitted with this petition. We agree the warning devices should be modified and consent to a decision by the commission without a hearing.

Dated at , Washington, on the 1 day of

Printed Name of Respondent

Signature of Respondent's Representative

Title

Phone Number

Email

Mailing Address

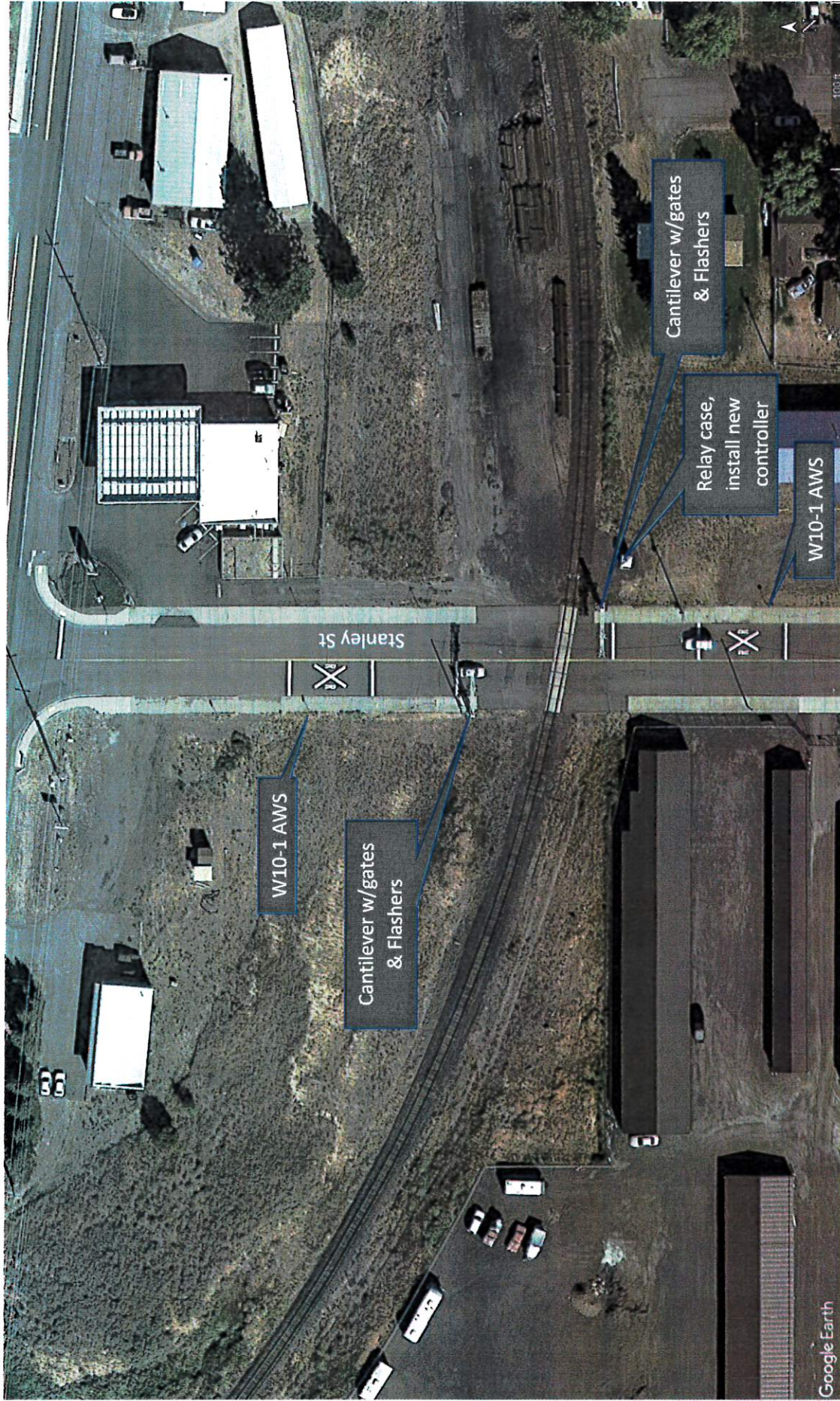
Checklist prior to submitting petition:

- ✓ Ensure all petition fields are completed.
- ✓ Ensure parties sign Section 13 regarding any Cost Apportionment agreement, if applicable.
- ✓ Obtain signature on Waiver of Hearing (Section 15). *If respondent fails to sign Waiver, advise UTC staff upon submission.*
- ✓ Attach copies of:
 - Illustration of crossing (described in Section 8).
 - Proposed traffic signal preemption timing calculations, if applicable (described in Section 9), and identification or documentation that the calculations are certified by a professional engineer.
 - Any other relevant documents to support the petition, including but not limited to support of public need, project information, etc.

Submitting the petition: To officially file the petition, send the petition form and supporting documents to records@utc.wa.gov.

Questions: For questions, please contact:

<p>Mike Turcott Transportation Planning Specialist mike.turcott@utc.wa.gov (360) 764-0572</p>	<p>Betty Young Rail Safety Program Advisor betty.young@utc.wa.gov (360) 292-5470</p>
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Washington Eastern Railroad
Stanley Street, DOT# 066330P
2022 Grade Crossing Protective Fund Application
Section 8 – Illustration of Crossing

RESOLUTION 22-544

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MEDICAL LAKE,
WASHINGTON ESTABLISHING PROCEDURES FOR SMALL PURCHASES,
VENDOR LIST PURCHASES, COMPETITIVE BIDDING, AND PURCHASE OF
SERVICES.**

WHEREAS, it is desirable that the City of Medical Lake (“City”) establish small works, small purchase roster policies, and competitive bidding policies; and

WHEREAS, it is desirable that the City establish procedures for procuring purchased services and personal services; and

WHEREAS, RCW 39.04.190 regarding purchases of materials, supplies, or equipment not connected to a public works project, allows certain purchasing contracts to be awarded by a vendor list process; and

WHEREAS, in order to be able to implement the vendor list process, the City Council is required by law to adopt a resolution establishing specific procedures for the City;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Medical Lake, Washington as follows:

Section 1. Small Purchases - Purchase of Materials, Supplies, or Equipment Unrelated to a Public Works Project in an Amount of \$7,500 or Less

The City is not required to use informal or formal sealed bidding procedures, or the procedures set forth in this Resolution to purchase materials, supplies, or equipment for the purchase of any materials, supplies or equipment where the cost of the same will be an amount of Seven Thousand Five Hundred Dollars (\$7,500.00) or less. The City will exercise its best efforts to obtain a reasonable practical price for such goods and services.

A. Purchase Orders. The City will generate a purchase order for any purchases over Seven Hundred Fifty Dollars (\$750.00) for materials, supplies, equipment, or services not linked to a current contract. Purchase orders will be reviewed by the Finance Director or City Administrator.

Section 2. Purchase of Materials, Supplies, or Equipment Unrelated to a Public Works Project in excess of \$7,500 but Not to Exceed \$15,000 – Vendor List

The City may utilize the Vendor List process for purchases under Fifteen Thousand Dollars (\$15,000.00). If the City is not able to utilize the Vendor List process for purchases over Seven Thousand Five Hundred Dollars (\$7,500.00), the formal bidding process must be used pursuant to Section 3.

A. Publication Of Notice. At least twice a year, the City shall publish, in the City's official newspaper, notice of the existence of a roster(s) of vendors for materials, supplies, and equipment, and shall solicit names of vendors for such roster. The City may contract with the Municipal Research and Services Center (MRSC) to perform the Publication of Notice.

B. Telephone Quotations. The City shall use the following process to obtain telephone quotations from vendors for the purchase of materials, supplies, or equipment:

i. A written description shall be drafted of the specific materials, supplies, or equipment to be purchased, including the number, quantity, quality, and type desired, the proposed delivery date, and any other significant terms of purchase;

ii. A City representative shall make a good faith effort to contact at least three (3) of the vendors on the roster to obtain telephone solicitation quotations from the vendors for the required materials, supplies, or equipment;

iii. The City representative shall not share any telephone quotation from any vendor with any other vendor solicited for the bid on the materials, supplies, or equipment;

iv. A written record shall be made by the City representative of each vendor's bid on the material, supplies, or equipment, and of any conditions imposed on the bid by such vendor; and

v. Depending on the amount of the purchase, the City representative shall present to his or her City department manager, or the Mayor, as may be appropriate, all telephone quotations and a recommendation for awarding of the contract to the lowest responsible bidder.

C. Determining the Lowest Responsible Bidder. The City shall purchase the materials, supplies, or equipment from the "lowest responsible bidder," provided that whenever there is reason to believe that the lowest acceptable bid is not the lowest reasonable price, all bids may be rejected, and the City may call for new bids. The City, in determining the lowest responsible bidder, may consider the following elements:

i. The materials, supplies, or equipment possess the quality and capabilities required to perform the tasks for which they are purchased;

ii. The ability, capacity, and skill of the bidder to perform the contract or provide the service required;

iii. The character, integrity, reputation, judgment, experience, and efficiency of the bidder;

iv. Whether the bidder can perform the contract within the time specified;

v. The quality of performance of previous contracts or services; or

vi. The previous and existing compliance by the bidder with laws relating to the contract or services.

D. Award of Contract for Purchase. The City shall use the following process to award any contract for the purchase of materials, supplies, or equipment:

i. For any purchase of materials, supplies, or equipment unrelated to a public works project less than Seven Thousand Five Hundred Dollars (\$7,500.00), the manager for the City department responsible for such purchase shall review quotations and any recommendation by City staff and award the contract to the lowest responsible bidder.

ii. For any purchase of materials, supplies, or equipment unrelated to a public works project of Seven Thousand Five Hundred Dollars (\$7,500.00) or more but not greater than Fifteen Thousand Dollars (\$15,000.00), the Mayor shall review quotations and any recommendation by City staff and award the contract to the lowest responsible bidder. For any award of contract for purchase pursuant to this Resolution, a written record of each vendor's quotations shall be made open to public inspection or telephone inquiry after the award of the contract. Any contract awarded under this subsection need not be advertised.

Section 3. Purchase of Materials, Supplies, or Equipment Unrelated to a Public Works Project in excess of \$15,000 – Formal Competitive Bidding

Any purchase of material, supplies, or equipment unrelated to a public works project of Fifteen Thousand Dollars (\$15,000.00) or more, or purchases over Seven Thousand Five Hundred Dollars (\$7,500.00) where the City is not able to utilize the Vendor List process, shall be solicited in a formal competitive bidding process.

A. Bidding Requirement Exemptions Per RCW 39.04.280, competitive bidding requirements may be waived by the governing body of the municipality for the following reasons:

- i. Purchases that are clearly and legitimately limited to a single source of supply;
- ii. Purchases involving special facilities or market conditions;
- iii. Purchases in the event of an emergency;
- iv. Purchases of insurance or bonds; and
- v. Public Works in the event of an emergency.

B. The Bidding Process: When the City goes out for bids, it must adhere to the following procedures:

- i. Advertise for bids, including the time and place where the bids will be opened, the times after which bids will not be received, the character of the work to be performed, the materials and equipment to be furnished, and where the specifications for the project may be seen.

- ii. All bids received will be opened, publicly announced, and documented at the time and place designated in the bid advertisement. Two of the following City staff must be present at the bid opening, City Clerk, City Administrator, Mayor, or a Department Head.
- iii. City staff will then determine the lowest responsible bidder by following SAO guidance set out in Attachment A, “Is This Bidder Responsible?”. If a bid other than the lowest responsible bidder is selected, then the City must document the specific criteria and reasons used in this determination.
- iv. The City shall award the bid to the lowest responsible bidder or reject all bids by motion from the City Council.

Section 4. Procurement of Services

All initial agreements with governmental agencies require City Council approval; annual renewal or extension of existing contracts and agreements require the Mayor’s approval.

- A. Architectural, Landscape Architectural, and Engineering Services Contracts: Procedures set forth in Chapter 39.80 RCW shall be followed for contracts for architectural and engineering services, as defined in RCW 39.80.020.
- B. Purchased Services: Purchased services are those provided by vendors for routine, necessary, and continuing functions of a local government agency, mostly relating to physical activities that support day-to-day operations and require minimal decision making.
 - i. Determine if you will procure through obtaining quotes, a formal bid, or Request for Proposal (“RFP”). The City Administrator shall be involved in the formal bid or RFP process.
 - ii. If obtaining quotes, request quotes from two (2) or more qualified firms or individuals describing the desired services. Request prices (including prevailing wage if applicable), schedules, and qualifications.
 - iii. Evaluate the proposals and determine the lowest responsible bidder.
 - iv. Submit proposals and evaluation documents to the City Administrator, or his/her designee, to administer the contract process.
- C. Personal Services: Services provided by independent consultants that require specialized knowledge, advanced education, professional licensing, or certification and where the primary service provided is mental or intellectual, involving the consistent exercise of judgment and discretion.
 - Examples: accountants, attorneys, consultants, graphic artists, strategic planning, studies/analysis, training, and certification services.
 - i. Send a written solicitation to qualified firms or individuals describing the needed services. The MRSC Consultant Roster can be used if desired. Request prices, schedules, and qualifications.

- ii. If a formal Request for Proposals is needed, the City Administrator shall be involved.
- iii. Submit all proposals and any evaluation documents to the City Administrator, or his/her designee, to administer the contract process.

Section 5. Severability: If any section, sentence, clause, or phrase of this Resolution should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Resolution.

Section 6. Repeal: All resolutions, laws, and regulations, or parts thereof in conflict with this Resolution are, to the extent of said conflict, hereby repealed.

Section 7. Effect: This Resolution shall be in full force and effect upon adoption by the City Council.

**RESOLUTION 22-544 IS ADOPTED BY THE CITY COUNCIL OF MEDICAL LAKE
ON THIS 6th DAY OF SEPTEMBER 2022.**

Terri Cooper
Mayor

ATTEST

Koss Ronholt
Clerk/Treasurer

APPROVED AS TO FORM

City Attorney



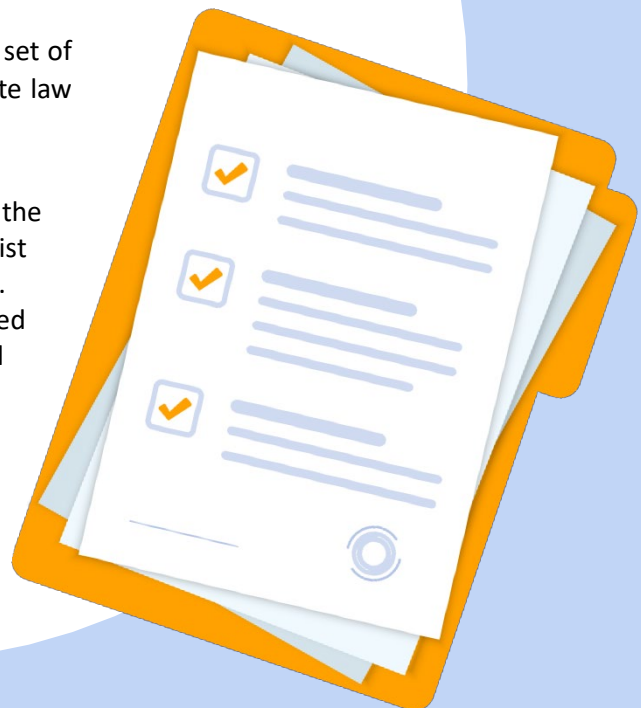
Is this Bidder Responsible?

Evaluation checklist for public contracts

To qualify to be awarded a public contract, a bidder must be both responsive and responsible:

- A responsive bidder is one that has responded to all bid items and has included all required elements in their bid submittal – this is fairly straightforward
- A responsible bidder is one that meets a set of “responsibility criteria” as defined in state law and this can be complex to evaluate

To help you navigate whether your bidder meets the responsibility criteria, we have compiled a checklist that you may use to walk through this evaluation. We have also included answers to frequently asked questions that we receive. We hope that you find all of this information helpful in navigating this challenging topic!



Responsible Bidder Checklist

Local governments must ensure a bidder qualifies as responsible, under state law, before awarding a public works contract.¹ Use this optional checklist to evaluate whether a bidder meets responsible bidder criteria.

Checklist item	Evaluation (answers must be all “yes” to qualify as a responsible bidder)
<p>1. Is the vendor a registered contractor at the time of bid submittal, as required by Chapter 18.27 RCW? Or, is the vendor exempt from the registration requirements, such as for a janitorial contract?</p> <p><i>Note: This can be checked at secure.ini.wa.gov/verify/. Verify that the status is “Active,” that the “effective date” is on or before the bid submittal deadline, and that the “expiration date” is not before the end of the contract period.</i></p>	<p>YES. Continue to next question.</p> <p>NO, STOP. Bidder is not responsible.</p>
<p>2. Does the contractor have a current state Unified Business Identifier (UBI) number?</p> <p><i>Note: You can check this at the Department of Revenue website at dor.wa.gov/ by clicking the “Lookup a business” link.</i></p>	<p>YES. Continue to next question.</p> <p>NO, STOP. Bidder is not responsible.</p>
<p>3. Does the contractor have industrial insurance coverage, as required by Title 51 RCW, or is it certified to cover its own workers’ compensation costs?</p> <p><i>Note: Workers’ compensation premium status can be checked at secure.ini.wa.gov/verify/?SAW=False. The status should be “Account is current. Firm has voluntarily reported and paid their premiums” or show the firm is self-insured.</i></p>	<p>YES. Continue to next question.</p> <p>NO, STOP. Bidder is not responsible.</p>
<p>4. Does the contractor have an Employment Security Department number, as required by Title 50 RCW? (This does not apply if the contractor does not have any employees)</p> <p><i>Note: This information is not available online. The local government should have a process to obtain the information from the contractor. A best practice might be to ask bidders to include this information in their bid submittal.</i></p>	<p>YES. Continue to next question.</p> <p>NO, STOP. Bidder is not responsible.</p>

¹ [RCW 39.04.350](#)

<p>5. Does the contractor have a state excise tax registration number, as required by Title 82 RCW, or meet one of the exceptions in statute? ²</p> <p><i>Note: You can check this at the Department of Revenue website at dor.wa.gov/ by clicking the “Lookup a business” link.</i></p>	<p>YES. Continue to next question.</p> <p>NO, STOP. Bidder is not responsible.</p>
<p>6. Is the contractor free of debarment by Washington (it has not been debarred)?</p> <p><i>Note: Violations can be found at</i></p> <ul style="list-style-type: none"> • secure.lni.wa.gov/debarandstrike/ContractorDebarList.aspx • State debarment also shows in the Verify a Contractor tool under the Public Works Requirements section: secure.lni.wa.gov/verify/?SAW=False <p><i>Note: This is for state debarment, not federal. The local government should print the search results to prove the contractor was not debarred at the time of bidding.</i></p>	<p>YES. Continue to next question.</p> <p>NO, STOP. Bidder is not responsible.</p>
<p>7. Has the bidder submitted to the contracting agency a signed statement verifying under penalty of perjury that the bidder has no final and binding citation or notice of assessment from Labor & Industries within the three-year period immediately preceding the date of the bid solicitation for:</p> <ul style="list-style-type: none"> • Minimum wage requirements and labor standards (RCW 49.46) • Wages – payment – collection (RCW 49.48) • Wages – deductions – contributions – rebates (RCW 49.52) <p><i>Note: A local government may award a contract in reasonable reliance upon such a sworn statement.³</i></p>	<p>YES. Continue to next question.</p> <p>NO, STOP. Bidder is not responsible.</p>

² [WAC 458-20-101](#) and [RCW 82.32.030](#) outline instances in which a contractor may be exempt from having a state excise tax registration number.

³ The agency would either obtain a separate sworn statement, which could be obtained after the bid submittal and should be outlined in the bid specifications, or some agencies have a space in the bid form where the bidder can sign the sworn statement, which is printed on and is part of the bid form.

<p>8. Has the contractor received training on prevailing wage and public works requirements under RCW 39.04.350, or is the bidder exempt from this training because they have completed three or more public works projects and have had a valid Washington business license for three or more years?</p> <p><i>Note: Local governments can verify if a contractor has received training or is exempt at secure.lni.wa.gov/verify/</i></p>	<p>YES. Continue to next question.</p> <p>NO, STOP. Bidder is not responsible.</p>
<p>9. Is the contractor in compliance with apprenticeship requirements in RCW 49.04? Or is the contractor exempt from complying, under RCW 39.04.320?</p> <p><i>Note: Local governments can verify if a contractor has been found out of compliance with apprentice use requirements by contacting the Department of Labor and Industries and the Washington State Apprenticeship and Training Council.⁴</i></p>	<p>YES. Continue to next question.</p> <p>NO, STOP. Bidder is not responsible.</p>

Frequently Asked Questions

Can I pre-qualify vendors before allowing them to bid on a project?

A pre-qualification requirement prohibits a contractor from bidding if the contractor does not meet it. Most local governments would not be allowed to engage in this practice. Although a local government may establish responsibility criteria, it cannot establish pre-qualification criteria ([AGO 1993 No. 19](#)). The two instances when governments may pre-qualify vendors are:

- (1) The Department of Transportation ([RCW 47.28.070](#))
- (2) Public Utility Districts when doing electrical facility construction and improvement ([RCW 54.04.085](#))

⁴ At the time this resource was written, information was not available online from L&I. However, this is expected to change in the future, so local governments should double-check.

Can I adopt supplemental responsibility criteria of my own?

Yes — a local government may adopt relevant supplemental criteria the bidder must meet for a particular project. The additional criteria, including the basis for evaluation, must be included in the invitation to bid or bidding documents. For example, if you want to use criteria related to contract duration, partial acceptance of a bid, brand name specification, or refusal to accept substitutes, then you must define these in the call for bid up front.

At what point do you evaluate whether a bidder is responsible?

An inquiry into the responsibility of the contractor with the lowest bid occurs after receiving bids but before awarding the contract.

What if a bidder asks for criteria in the bid packet to be modified?

A potential bidder may request that the criteria be modified, if so the local government must evaluate the request and respond before the bid submittal deadline. If the evaluation results in a criteria change, the local government must issue an addendum to the bidding documents identifying the new criteria and make sure all bidders are notified of the change.

Can I adopt supplemental criteria giving preference to local vendors?

Usually no, state law does not recognize – implicitly prohibiting – the granting of preferences to local vendors in purchases of goods, supplies and services by local governments. However, if a local government can justify imposing a requirement of local availability of a product, the requirement should be made a part of the bid specifications.

What if a bidder is found to be “not responsible”?

If it determines a bidder to be not responsible, the local government must provide to the bidder, in writing, the reasons for the determination. The bidder may appeal the determination within the period specified in the bidding documents by presenting additional information. The local government must consider the additional information before issuing its final determination. If the final determination affirms that the bidder is not responsible, the local government may not execute a contract with any other bidder until two business days after the bidder determined to be not responsible has received the final determination.

Can I hire a contractor who is based out of state?

Yes, as long as the contractor is a responsive and responsible bidder, you may hire a contractor from any state.

Additional resources

- State of Washington, Department of Enterprise Services, guidance on bidder responsibility: des.wa.gov/sites/default/files/public/documents/About/CPARB/AdminDocs/BidderResponsibilityGuidelines_11-16-17.pdf?=-881a1

For assistance

This resource has been developed by the Center for Government Innovation of the Office of the Washington State Auditor (SAO). For specific questions about procurement requirements, please use the Helpdesk at SAO Online Services at www.sao.wa.gov.

Please send any other questions, comments, or suggestions to Center@sao.wa.gov.

Disclaimer

This resource is provided for informational purposes only. It does not represent prescriptive guidance, legal advice, an audit recommendation, or audit assurance. It does not relieve governments of their responsibilities to assess risks, design appropriate controls, and make management decisions.

More details on other aspects of procurement can be found in our new guide, “**Buying and Bidding – Ensuring your government follows Washington purchasing laws.**”
Find it at:

<https://portal.sao.wa.gov/PerformanceCenter>



**CITY OF MEDICAL LAKE
SPOKANE COUNTY, WASHINGTON
ORDINANCE NO. 1100**

**AN ORDINANCE OF THE CITY OF MEDICAL LAKE AMENDING CHAPTER 2.20
OF THE MEDICAL LAKE MUNICIPAL CODE, CREATING NEW SECTIONS, AND
PROVIDING FOR AN EFFECTIVE DATE HEREOF.**

WHEREAS, Chapter 2.20 of the City of Medical Lake Municipal Code provides for certain purchasing procedures for the City of Medical Lake (“City”), including for all employees, officers, and officials; and

WHEREAS, the Mayor is responsible to the City Council for the proper administration of all affairs of the City, including purchasing and contracting authority on individual purchases of services and goods; and

WHEREAS, the purchasing procedures do not provide City employees and officials the ability to address financial current and future needs of the City; and

WHEREAS it is necessary to amend Chapter 2.20 of the City’s Municipal Code to address such needs.

NOW, THEREFORE, the City Council of the City of Medical Lake, Washington, do ordain as follows:

Section 1. **Section 2.20.010—Purchase requisition** is hereby amended to delete the sum of “five hundred dollars” and replace it with the sum of “seven hundred fifty dollars (\$750.00)”. All other portions of Section 2.20.010 shall remain the same.

Section 2. **Section 2.20.040—Small contracts** is hereby created and shall read as follows: “Pursuant to RCW 35A.12.100, the Mayor is responsible to the City Council for the proper administration of the City. Notwithstanding Section 2.20.010, in administering the City’s affairs, the Mayor shall have purchasing and contracting authority on individual purchases of services and goods for contracts not to exceed fifteen thousand dollars (\$15,000.00) and consistent with state law. Contracts more than fifteen thousand dollars are subject to City Council approval.”

Section 3. **Section 2.20.050—Procurement policy** is hereby created and shall read as follows: “The Mayor shall have the authority to create and establish specific procurement policies and procedures consistent with this Chapter and in accordance with state law.”

Section 5. **Severability.** If any section, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 6. Effective Date. This Ordinance shall be in full force and effect five (5) days after passage and publication of the Ordinance.

PASSED by the City Council this ____ day of September, 2022.

Terri Cooper, Mayor

ATTEST:

Koss Ronholt, Clerk/Treasurer

APPROVED AS TO FORM:

Sean P. Boutz, City Attorney

Date of Publication:

Effective Date: