

## RESOLUTION NO. 1748

### **A Resolution of the Board of Commissioners of Public Utility District No. 1 of Okanogan County, Washington, Establishing Procedures for the Purchase of Materials, Equipment or Supplies, Establishing a Vendor List Process, Delegating authority to the Purchasing Agent and Repealing Resolution No. 1691.**

WHEREAS, the District established a Vendor List Process under Resolution No. 1691 dated July 22, 2019; and

WHEREAS, the Commission desires to amend its delegation of authority to the District Purchasing Agent to \$350,000.00 to be consistent with the contracting authority delegated to the General Manager for purchase of materials, equipment, and supplies, and to restate the District's vendor list process.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF PUBLIC UTILITY DISTRICT NO. 1 OF OKANOGAN COUNTY, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

**Section 1. Resolution No 1691 is repealed.**

**Section 2. The following vendor list process procedures are established for use by the District pursuant to RCW 54.04.070, RCW 54.040.080, RCW 54.040.082, and RCW 39.04.190.**

**Section 3. Purchase of materials, equipment, or supplies in an amount of \$30,000.00 or less.** Pursuant to RCW 54.04.070, the District is not required to use informal or formal sealed bidding procedures or the procedures set forth in this Resolution for the purchase of the same kind of materials, equipment, or supplies in any calendar month where the cost of same will not exceed \$30,000.00, exclusive of sales tax. The District will attempt to obtain the lowest practical price for such goods.

For purposes of this section, the term "same kind of materials, equipment or supplies" means items which are not different in essential elements, including items which are not identical but which under particular circumstances calling for the usage or application would, under prudent utility practice, be interchangeable one with the other and would fulfill all the requirements for the purposes for which the same is being purchased or acquired.

**Section 4. Purchase of materials, equipment, or supplies in an amount between \$30,000.00 and \$120,000.00.** Purchase of the same kind of materials, equipment, or supplies in an amount between \$30,000.00 and \$120,000.00 in any calendar month, exclusive of sales tax, will be in accordance with RCW 39.04.190.

- 1. Publication of Notice.** At least twice a year, the District shall publish, in a newspaper of general circulation within the jurisdiction, notice of the existence of a list of vendors for materials, equipment, or supplies.

2. **Quotations.** The District shall use the following process to obtain bid quotations from vendors for the purchase of materials, equipment, or supplies:
  - a. A written description shall be drafted of the specific materials, equipment, or supplies to be purchased, including the number, quantity, quality and type desired, the proposed delivery date, and any other significant terms of purchase;
  - b. A District representative shall make a good faith effort to contact at least three (3) vendors on the list to obtain bid quotations from the vendors for the required materials, equipment, or supplies. A bid bond or deposit is not required;
  - c. The District representative shall not share a bid quotation from one vendor with other vendors;
  - d. A written record shall be made by the District representative of each vendor's bid quotation on the material, equipment, or supplies, and of any conditions imposed by such vendor;
  - e. The District representative shall present to the Purchasing Agent all bid quotations and a recommendation for the award of the contract to the lowest responsible bidder.
3. **Determining the Lowest Responsible Bidder.** The District shall purchase the materials, equipment, or supplies from the lowest responsible bidder, provided that the bidder meets the mandatory bidder responsibility criteria set forth in RCW 39.04.350, and provided further that whenever there is a reason to believe that the lowest acceptable bid is not the best price obtainable, all bids may be rejected and the District may call for new bids.
4. **Award.** The Purchasing Agent shall review bid quotations and recommendations by staff and award the contract to the lowest responsible bidder. A written record of each vendor's bid 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 5. Purchase of materials, equipment, or supplies in an amount greater than \$120,000.00.** Any purchase of the same kind of materials, equipment, or supplies in any calendar month greater than \$120,000.00 must be publicly bid unless the purchase is included in one of the exceptions contained in RCW 39.04.280, made under a joint purchasing agreement in compliance with RCW 39.04, or authorized under the competitive negotiation process for data processing and telecommunications equipment, software and services set forth in RCW 39.04.270.

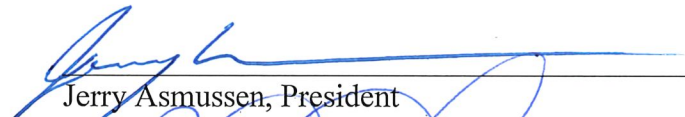
For purchases that are publicly bid, the District's Purchasing Agent shall publish a notice once or more in a newspaper of general circulation in the District at least thirteen (13) days before the last date upon which bids will be received, inviting sealed proposals for the materials, equipment

or supplies to be provided. Specifications shall at the time of publication be on file at the office of the District and subject to public inspection. Each bid shall be accompanied by a certified or cashier's check, payable to the order of the District, for a sum not less than five percent (5%) of the amount of the bid, or accompanied by a bid bond in an amount not less than five percent (5%) of the bid with a corporate surety licensed to do business in the state.

At the time and place named, the bids shall be publicly opened and read. The Purchasing Agent may approve a contract with the lowest responsible bidder if the purchase amount is within his/her delegated authority. The Purchasing Agent will recommend approval of the contract by Commissioner resolution for any purchase exceeding his/her delegated authority. No contract shall be let for more than fifteen percent (15%) in excess of the estimated cost of the materials, equipment, or supplies. In such a case, the District may reject all bids and re-advertise, returning all checks to the bidders. If no bid is received, the District may procure materials in the open market.

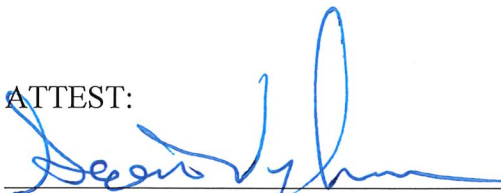
**Section 6. Delegation of Authority to Purchasing Agent.** The Commission hereby delegates authority to the Purchasing Agent to approve contracts for the purchase of materials, equipment, or supplies that have been specifically provided for in the duly adopted budget and that do not exceed \$350,000.00. The Purchasing Agent shall exercise his/her authority in compliance with this and other duly adopted District resolutions and with local, state, and federal laws and regulations.

PASSED AND APPROVED May 24, 2021.

  
Jerry Asmussen, President

  
William C. Colyar, Vice President

ATTEST:

  
Scott Vejraska, Secretary

APPROVED AS TO FORM:

  
Heidi E. Appel, General Counsel