

520 – Procurement

1. Purpose

This Procurement Policy establishes the approval procedures for purchases by employees of the Tukwila Pool Metropolitan Park District (TPMPD) and establishes purchasing authority levels, purchasing procedures, and reporting requirements.

2. General Responsibilities

- 2.1. **Board of Commissioners (BoC):** The BoC is responsible for establishing policy direction for the TPMPD under Washington State law ([RCW 35.61.135](#)).
- 2.2. **Executive Director, or Board Designee:** The ED, and/or Board Designee has the limited authority delegated pursuant to this Policy.

3. Definitions

- 3.1. **Budget:** The formally adopted budget of the TPMPD.
- 3.2. **Emergency:** Unforeseen circumstances beyond the control of the TPMPD that either: (a) present a real, immediate threat to the proper performance of essential functions; or (b) will likely result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken. ([RCW 39.04.280\(3\)](#)).
- 3.3. **Designated Purchasing Cooperatives:** The following interlocal cooperative purchasing arrangements are authorized for use by the TPMPD in accordance with the requirements of the sponsoring agencies:
 - 3.3.1. **King County Directors' Association (KCDA):** KCDA is a purchasing cooperative established by Washington's public school districts. The KCDA allows the TPMPD to purchase materials, equipment, and supplies through the cooperative pursuant to the interlocal cooperation act ([Chapter 39.34 RCW](#)) in a manner that complies with statutory bidding and procurement requirements.
 - 3.3.2. **State Purchasing Cooperative:** The State Purchasing Cooperative is established by the State of Washington, Department of General Administration, and establishes a purchasing cooperative that allows the TPMPD through the interlocal cooperation act ([Chapter 39.34 RCW](#)) to purchase materials, equipment, and supplies in accordance with statutory bidding and procurement requirements.
 - 3.3.3. **Department of Information Services:** The Department of Information Services is authorized under [chapters 43.105 RCW](#) and [39.34 RCW](#) to provide information services to state and local governments. Purchases of software and information services through the Department of Information Services comply with the statutory bidding and procurement requirements.
- 3.4. **Bid Exemptions:** [RCW 39.04.280](#) establishes specific exemptions from the statutory bidding requirements in the following limited situations: 1) Purchases that are clearly and legitimately limited to a single source of supply; 2) Purchases involving special facilities or market conditions; and, 3) Purchases and Public Works in the event of an emergency.
- 3.5. **Lowest Responsible Bidder:** The lowest bidder on a competitively bid purchase of equipment, material or supplies or a public work be determined by consideration of the following factors:
 - 3.5.1. The ability, capacity, and skill of the bidder to perform the work required;
 - 3.5.2. The character, integrity, reputation, judgment, experience, and efficiency of the bidder;
 - 3.5.3. The ability of the lowest bidder to perform the work in the time specified;
 - 3.5.4. The quality of performance of previous contracts or services;

- 3.5.5. The previous and existing compliance of the bidder with laws relating to public works; and
 - 3.5.6. Such other information related to the performance of the contract as the bid solicitation deems advisable.
- 3.6. **Public Work:** Means all work, construction, alteration, repair, or improvement other than ordinary maintenance, executed at the cost of the TPMPD, or which is by law a lien or charge on any property within the TPMPD ([RCW 39.04.010](#)).
- 3.7. **Cooperative Purchase:** A Cooperative Purchase allows the TPMPD to comply with the statutory bid requirements by purchasing off of a bid that another municipal corporation has awarded. Use of Cooperative Purchase requires an interlocal agreement with the municipal corporation that is going to bid or has gone to bid.

4. Purchasing Authority

- 4.1. **Board of Commissioners:** The BoC shall approve an annual budget that authorizes specific and general expenditures within certain budgetary limits. The BoC shall be required to approve individual expenditures in excess of \$20,000.00. The BoC shall also review and approve all vouchers on at least a monthly basis.
- 4.2. **Executive Director, and/or Board Designee:** The ED and/or Board Designee shall have authority to make expenditures within the specified budgetary line item limits adopted by the BoC. Provided, however, the ED, and/or Board Designee shall obtain advance Finance Committee or BoC approval prior to making any individual expenditure that exceeds \$5,000.00 in value.
- 4.3. **Finance Committee:** The Finance Committee shall have the authority to approve expenditures within the budgetary limits adopted by the BoC with a total cost of over \$5,000.00 and under \$20,000.00.
- 4.4. **Purchases Made Using a Bid Exemption:** Purchases made using a Bid Exemption shall require formal action of the BoC in the form of a Resolution approving the use of the Bid Exemption.
- 4.5. **Non-Budgeted Purchases:** Purchases of goods or services outside of budgetary limits shall require approval by the BoC.
- 4.6. **Emergency Purchases:** In the event of an emergency as defined by Section 3.2 herein, the ED, and/or Board Designee may approve a purchase outside of the budget if it is not feasible to obtain approval from the BoC or Finance Committee, but not in excess of \$20,000.00. In the event of an emergency, the Finance Committee may authorize purchases in excess of \$20,000.00 when prior BoC approval is not feasible. All emergency purchases shall be presented to the BoC for ratification by appropriate action within thirty (30) days of the purchase.

5. Purchase of Materials, Equipment, and Supplies

- 5.1. **Purchases under \$40,000:** No statutory process requirements. The ED, and/or Board Designee shall use commercially reasonable means to make such purchases. The ED, and/or Board Designee is encouraged to obtain multiple quotes for purchases to document that the TPMPD is receiving the best possible price.
- 5.2. **Purchases over \$40,000 and under \$50,000:** Purchases must be made using a Vendor List procedure, Designated Purchasing Cooperatives, or through a Cooperative Purchase or Bid Exemption, if applicable. If the purchase cannot be made through the TPMPD's Vendor List, Designated Purchasing Cooperative, Cooperative Purchase, or Bid Exemption, the purchase must be made through competitive bidding procedures (as if the purchase price exceeds \$50,000).
- 5.3. **Purchases over \$50,000:** Formal sealed bidding procedures must be used unless the purchase can be made through a Designated Purchasing Cooperative, Cooperative Purchase, or Bid Exemption.

6. 6.0 Public Works

- 6.1. **Public Works projects under \$20,000:** No statutory bidding procedures are required. The ED, and/or Board Designee shall use commercially reasonable means to contract for such Public Works. All public works shall be completed in accordance with [RCW 39.12](#). [Prevailing Wage]
- 6.2. **Public Works projects from \$20,000 - \$350,000:** The TPMPD shall establish and use the MRSC Rosters Small Works Roster or a Formal Sealed bidding procedure. All public works shall be completed in accordance with [RCW 39.12](#). [Prevailing Wage]
- 6.2.1. Direct Contracting under the Small Works Roster for projects estimated to cost **under \$150,000:**
- 6.2.1.1. **The TPMPD may seek quotes from all eligible contractors that have expressed interest in working in the TPMPD's geographical area; or**
- 6.2.1.2. **Use Direct Contracting:**
- The TPMPD shall comply with its Small Business Utilization Plan (Appendix A) when using Direct Contracting:**
- 6.2.1.2.1. **When a public works project(s) is estimated to cost \$150,000 or less, a rotation of contractors must be used in accordance with this policy on every direct contracting procurement when the TPMPD has more than one procurement in a single project type and category within a twelve (12) month period. The TPMPD shall rotate through the eligible contractors and shall, when qualified contractors are available from the project-specific roster who may perform the work or deliver the services within the budget described in the notice or request for proposals, use different contractors on different projects.**
- 6.2.1.2.2. **A list of contractors to which “rotation” must be applied is generated by starting a solicitation, selecting a project type and category then the roster produces a project-specific roster.**
- 6.2.1.2.3. **The TPMPD shall notify all small, minority, women, or veteran-owned businesses on the TPMPD's project-specific roster that the TPMPD is using Direct Contracting.**
- 6.2.1.2.3.1. **If there are six (6) or more contractors meeting the definition of small, minority, women, or veteran-owned businesses on the project specific roster, the TPMPD may directly contract with one of those small businesses.**
- 6.2.1.2.3.2. **If there are five (5) or less contractors meeting the definition of small, minority, women, or veteran-owned business on the project-specific roster, the TPMPD may direct contract with any contractor on the project-specific roster and is not required to contract with a small business.**
- 6.3. **Public Works projects over \$350,000:** Formal Sealed bidding shall be used except in case of an emergency. All public works shall be completed in accordance with [RCW 39.12](#). [Prevailing Wage]

7. Services – Architect and Engineer

- 7.1. The TPMPD shall use the Request for Qualifications (RFQ) process established under [chapter 39.80 RCW](#) prior to retaining the services of architects and engineers.

8. Services – Telecommunications and Data Processing

- 8.1. If the purchase cannot be made through a Designated Purchasing Cooperative, Cooperative Purchase or Bid Exemption, the TPMPD shall use the competitive negotiation procedures established under [RCW 39.04.270](#) when purchasing telecommunication and data processing services.

9. Purchasing Recreation Services from Independent Contractors

- 9.1. Purchasing services from instructors, teachers, artists, and other independent contractors engaged to teach classes, seminars, or programs as part of a TPMPD-sponsored program has unique characteristics. Customer preference, teaching method, and personality of the instructor, teacher, or artist greatly influence the customer and their willingness to enroll in a class or seminar and pay the requisite fees. Consequently, in the acquisition of these and similar services, there is no requirement for bidding or quotation unless the purchase price/acquisition cost exceeds \$50,000 in a calendar year.

10. Services – Other

- 10.1. No statutory procedures are required. The ED, and/or Board Designee shall use commercially reasonable means to identify and contract with service providers.

11. Formal Sealed Bidding Procedures

- 11.1. **Notice:** Written Notice for competitively bid contracts and purchases shall be published in a newspaper of general circulation within the TPMPD at least thirteen (13) days in advance of the bid opening. Advertisements for bids should include the following minimum items:
- 11.1.1. Title of the project.
 - 11.1.2. Nature and scope of the work.
 - 11.1.3. Where contract documents (plans, specifications) may be obtained.
 - 11.1.4. Cost to obtain a set of contract documents.
 - 11.1.5. Place, date, and time that bids are due.
 - 11.1.6. TPMPD contact information.
 - 11.1.7. Statements that the TPMPD retains the right to reject any or all bids, and to waive minor irregularities in the bidding process.
- 11.2. **Instructions to Bidders:** Instructions to Bidders shall include a complete description of the legal requirements to submit a bid.
- 11.3. **Bid Specifications:** Bid specifications should incorporate a clear and accurate description of the technical requirements for the material, product, or service to be purchased. Such descriptions should not contain features that unduly restrict competition but should be designed to meet the needs of the TPMPD.
- 11.4. **Award:** The contract should be awarded to the lowest responsive and Lowest Responsible Bidder whose bid meets the requirements and criteria included in the invitation for bids and bid specifications.
- 11.5. **Cancellation:** An invitation for bids may be canceled. Additionally, the TPMPD (at its sole discretion) may choose to reject any or all bids, in whole or in part. An invitation for bids may be canceled at the discretion of the ED, and/or Board Designee.

12. Written Contracts / When Required

- 12.1. 12.1. A written contract is required for the following types of purchases.
 - 12.1.1. All lease or rental agreements for equipment or real property
 - 12.1.2. All intergovernmental agreements
 - 12.1.3. All services with the exception of minor services such as repairs, etc., where academic credentials or professional expertise are not required
 - 12.1.4. Cooperative purchasing agreements
 - 12.1.5. Maintenance and licensing agreements (except licenses and/or maintenance agreements for standardized, non-customized, software or hardware)
 - 12.1.6. Written Contract Required for Purchase of Equipment, Materials, and Supplies with a cost over \$20,000
 - 12.1.7. Other contracts/agreements deemed necessary by the BoC.

13. Records Management

- 13.1. The ED, and/or Board Designee shall maintain records of all contracts awarded and all contractors/consultants contacted in the process.

14. Unauthorized Purchases

- 14.1. No TPMPD employee should purchase or contract for any supplies, material, equipment, or contractual service or make any contract within the purview of this policy other than through the ED, and/or Board Designee. Should a TPMPD employee violate this trust and the TPMPD experiences a financial loss, then the TPMPD shall be entitled to recover the full amount of such loss from the employee.

15. Issuance, Use, and Control of Purchasing Cards

- 15.1. The TPMPD has the authority under [RCW 42.24.115](#) and [RCW 43.09.2855](#), to establish a purchasing card account and the issuance of purchasing cards. The credit limit per card shall be established by the issuing bank and shall not exceed \$7,500 for the Executive Director.
- 15.2. The TPMPD shall issue a purchasing card to the Executive Director. All purchasing cards shall be subject to the terms and conditions stated in RCW's [42.24.080](#), [42.24.115](#), [43.09.2855](#), and in this policy.
- 15.3. The TPMPD authorizes the use of the purchasing card for the following purposes:
 - 15.3.1. The TPMPD purchasing card may be used for travel expenses and expenses incurred in attending authorized meetings, seminars, and conferences authorized in advance by the BoC, ED, and/or Board Designee.
 - 15.3.2. The purchase of authorized TPMPD supplies, equipment, and services from suppliers where the TPMPD cannot establish a charge account, or it is more cost-effective.
- 15.4. The user of the purchasing card shall comply with the following procedures:
 - 15.4.1. The charge slip for purchases of supplies and equipment must be submitted to the TPMPD within two (2) business days of the date of the transaction.

- 15.4.2. The charge slip(s) and a fully itemized Travel Expense Form for travel or meeting expenses must be submitted within ten (10) business days after the meeting or the completion of travel.
- 15.5. The monthly billing for all charges on the purchasing card account must be submitted to the BoC for acknowledgment of payment at the BoC meeting following the receipt of the billing.
 - 15.5.1. Any charges against the charge card not properly identified on the Travel Expense Form or not allowed following the audit required under [RCW 42.24.080](#) shall be the sole responsibility of the card user of the employee or commissioner responsible for the card either by check, cash, or salary deduction.
 - 15.5.2. Per [RCW 42.24.115](#), if charges are not repaid before the charge card bill is due and payable, the TPMPD shall have the right to withhold any, and all, funds payable or to become payable up to an amount of the disallowed charges and interest.
- 15.6. Card Use Restrictions.
 - 15.6.1. No TPMPD purchasing card may be used to obtain a cash advance. The holder of the card must comply with the requirements of [RCW 42.24.115\(3\)](#). Failure to comply with the statutory or policy provisions shall result in a forfeiture of the credit card. All TPMPD purchasing cards are subject to recall by the BoC or Board Designee at any time and for any reason.
 - 15.6.2. No employee of the TPMPD shall use the TPMPD issued purchasing card for non-TPMPD business. Any employee who violates this policy shall be subject to disciplinary action up to and including termination and shall be billed for all charges on the purchasing card. The Director of Aquatic Operations or Board Designee is authorized and directed to make payroll deductions to recover any unauthorized charges.
- 15.7. **Return of Cards:** The Cardholder must return the purchasing card to his or her supervisor upon separation.

Small Works Roster Direct Contracting Small Business Utilization Plan

1. Purpose

The TPMPD is authorized to use Direct Contracting for public works projects under \$150,000.00 in conjunction with its adopted Small Works Roster. The TPMPD is establishing this small, minority, women, and veteran-owned business utilization plan to comply with [RCW 39.04.152\(4\)\(b\)\(iv\)](#).

2. Plan

The TPMPD shall use MRSC Rosters as its small works roster to identify certified small, minority, women, and veteran-owned businesses.

The TPMPD shall use the Direct Contracting procedures authorized under the law and under the TPMPD's Policy – 520 Procurement to solicit direct contracts with certified small, minority, women, and veteran-owned businesses, whenever feasible, for at least fifty (50) percent for all TPMPD projects. The TPMPD shall use best efforts to rotate contracts among eligible small, minority, women, and veteran-owned businesses even when rotation is not required.

3. Reporting and Documentation

The TPMPD Executive Director (ED) and/or Board Designee shall document on an annual basis the number of public works projects under \$150,000 that were awarded during the prior calendar year and shall document whether the awarded contracts were awarded to certified small, minority, women, and veteran-owned business. In the event less than fifty (50) percent of the awarded contracts went to certified small, minority, women, and veteran-owned businesses, the ED and/or Board Designee shall reevaluate this Plan to identify strategies to encourage greater participation of certified small, minority, women, and veteran-owned businesses.

4. Related Documents

- 4.1. Small Works Roster Resolution
- 4.2. Annual Reporting and Plan Compliance Form

Small Works Roster Direct Contracting Small Business Annual Reporting and Plan Compliance Form

Fiscal Year: _____

1. Goal:

The TPMPD's goal for the above fiscal year is to award small and diverse businesses _____ [%] of all the small works projects in the following way:

Projects Anticipated	Target Small Business Awards

Project Name	Project Type	Project Categories	Target Business

2. Actual Utilization Report:

The TPMPD achieved _____ [%] utilization of Targeted Business as follows:

Project Name	Project Type	Project Categories	Target Business

3. Plan Evaluation and Improvements ["+" = positive/useful, "-" = needs improvement]

- Projects Identification/Planning: _____
- Businesses Identification: _____
- Business Engagement: _____
- Process Review: _____
- Overall Evaluation:
