



Official Gazette

City of Spokane, Washington

Statement of City Business, including a Summary of the Proceedings of the City Council

Volume 108

MARCH 21, 2018

Issue 12



MAYOR AND CITY COUNCIL

MAYOR DAVID A. CONDON

COUNCIL PRESIDENT BEN STUCKART

COUNCIL MEMBERS:

BREEAN BEGGS (DISTRICT 2)

KATE BURKE (DISTRICT 1)

MIKE FAGAN (DISTRICT 1)

LORI KINNEAR (DISTRICT 2)

CANDACE MUMM (DISTRICT 3)

KAREN STRATTON (DISTRICT 3)

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Minutes

MINUTES OF SPOKANE CITY COUNCIL**Monday, March 12, 2018****BRIEFING SESSION**

The Briefing Session of the Spokane City Council held on the above date was called to order at 3:30 p.m. in the Council Briefing Center in the Lower Level of the Municipal Building, 808 West Spokane Falls Boulevard, Spokane, Washington.

Roll Call

On roll call, Council President Stuckart and Council Members Beggs, Burke, Fagan, Kinnear, and Stratton were present. Council Member Mumm was absent.

Finance and Administration Division Director Tim Dunivant, City Council's Policy Advisor Brian McClatchey, and City Clerk Terri Pfister were also present on the dais.

Advance Agenda Review

The City Council received an overview from staff on the March 19, 2018, Advance Agenda items.

Action to Approve March 19, 2018, Advance Agenda

Following staff reports and Council inquiry and discussion regarding the March 19, 2018, Advance Agenda items, the City Council took the following action (pursuant to Council Rule 2.1.2):

Motion by Council Member Fagan, seconded by Council Member Beggs, **to approve** the Advance Agenda for Monday, March 19, 2018; **carried unanimously (Council Member Mumm absent).**

ADMINISTRATIVE SESSION**Current Agenda Review**

The City Council considered the March 12, 2018, Current Consent Agenda.

CONSENT AGENDA

Upon motion by Council Member Fagan, seconded by Council Member Kinnear, the City Council unanimously (Council Member Mumm absent) approved Staff Recommendations for the following:

Purchases using State Contract #05916 of two ¾ ton pick-up trucks for the Street Department—\$87,682.59 (incl. tax) and two Escapes and one cargo van for the Water Department—\$80,870.75 (incl. tax). Total Purchase Amount: \$168,553.32 (OPR 2018-0141)

Low bid of Bacon Concrete, Inc., (Spokane, WA) for Greene and Ermina Intersection Signalization—\$293,057. An administrative reserve of \$29,305.70, which is 10% of the contract price, will be set aside. (Chief Gary Park Neighborhood) (OPR 2018-0142 / ENG 2015132)

Supplemental Agreement No. 2 with Budinger & Associates, Inc. (Spokane Valley WA) requesting an increase in the funds to the Federal Geotechnical Engineering On-Call Contract—\$125,000. Total Contract Amount: \$325,000. (OPR 2015-0972 / ENG 2015173)

Contract with Safway Services, LLC, (Spokane Valley, WA) for various scaffolding services at the Waste to Energy Facility from April 1, 2018 through March 31, 2019—\$300,000 (plus tax). (OPR 2017-0155 / RFB 4308-16)

Contract with Knight Construction & Supply, Inc., (Deer Park, WA) for mechanical repairs at the Waste to Energy Facility from April 1, 2018 through March 31, 2019—\$1,800,000 (incl. tax). (OPR 2017-0257 / RFB 4337-17)

Agreement with Washington State Department of Transportation to pay the City to create engineering designs to prepare for removal, replacement or construction of City utilities as needed along Wellesley Avenue—estimated amount of \$241,110. (OPR 2018-0143)

Purchase & Sale Agreement with Sonneland Residential Properties, LLC (Colbert, WA) for acquisition of real properties located at 3121 South Napa Street and 2105 East 32nd Avenue for a future water reservoir—\$281,801.60. (OPR 2018-0144)

Interlocal Cooperation Agreement with Spokane County for Hearing Examiner services from January 1, 2018 through December 31, 2018—\$145.56 per hour. (OPR 2016-0307)

Amendment to grant from the Spokane County Department of Emergency Management, FY2016 State Homeland Security Program Grant, for Hazmat Training changing start date, end date and allocation amounts. No change in total grant amount of \$70,000. (OPR 2017-0685)

Contract with HDR Engineering (Spokane, WA) for Biosolids Incineration Feasibility Study to evaluate the technical and regulatory feasibility of incinerating Riverfront Park Water Reclamation Facility biosolids at the Waste to Energy Facility rather than land-applying them on farm fields—\$126,200. (OPR 2018-0145)

Report of the Mayor of pending claims and payments of previously approved obligations, including those of Parks and Library, through March 2, 2018, total \$11,043,449.81 (Check Nos. 546452-546824; ACH Payment Nos. 47622-47867), with Parks and Library claims approved by their respective boards. Warrants excluding Parks and Library total \$10,220,449.82. (CPR 2018-0002)

City Council Meeting Minutes: March 1, 2018.

Council Recess/Executive Session

The City Council adjourned at 3:43 p.m. The City Council (Council Member Mumm absent) immediately reconvened into an Executive Session to discuss labor negotiations for ten minutes. City Attorney Mike Ormsby was present during the Executive Session. The City Council reconvened again at 6:00 p.m. for the Regular Legislative.

LEGISLATIVE SESSION

Pledge of Allegiance

The Pledge of Allegiance was led by Council President Stuckart.

Roll Call

Council President Stuckart and Council Members Beggs, Burke, Fagan, Kinnear, and Stratton were present. Council Member Mumm was absent.

City Council's Policy Advisor Brian McClatchey and City Clerk Terri Pfister were also present.

PROCLAMATIONS

March 11-18, 2018 *The Week of the Irish*

Council President Stuckart read the proclamation and presented it to Pat Cadagan, a member of the Board of the Friendly Sons of St. Patrick and the Board of the Limerick Sister City Society. The proclamation notes The Friendly Sons of St. Patrick will host the 40th Annual St. Patrick's Day Parade on Saturday, March 17, 2018, which is the harboring of spring and one of the largest Irish events on the West Coast. Mr. Cadagan and Keats McLaughlin, President of the Friendly Sons of St. Patrick, remarked on the St. Patrick's parade and support for the Irish community in Spokane. Mr. McLaughlin then introduced the Haran Irish Dancers who performed a dance for the viewing audience.

There were no **Administrative Reports**.

There were no **Council Committee Reports**.

OPEN FORUM

Monica Tittle spoke regarding victim rights and resources. She stated victims have a right and need to be heard. She also provided thanks for what was done with the Washington Apartments. She further noted that all the resources that are available to victims aren't really there, and she encouraged pushing for laws that are there for the victims.

COMMITTEE APPOINTMENTS

Design Review Board (CPR 1993-0063), Plan Commission (CPR 1981-0295), and CTAB (CPR 2018-0032)

Upon Unanimous Voice Vote (Council Member Mumm absent), the City Council approved (and thereby confirmed) the following appointments and reappointment:

- Appointment of J. Alex Maxwell to the Design Review Board, Urban Designer position, for a term of three years, expiring on March 12, 2021.
- Appointment of Greg Francis to the Plan Commission for a term of four years, to expire on December 31, 2021.
- Reappointment of Sylvia St. Clair to a term of four years on the Plan Commission, expiring December 31, 2021.
- Appointment of Randy McGlenn, a PETT Board Member, to CTAB.
- Appointment of Ryan Patterson, a Bicycle Advisory Board Member, to CTAB.

LEGISLATIVE AGENDA

SPECIAL BUDGET ORDINANCE

Special Budget Ordinance C35604

Subsequent to public testimony from one individual and Council commentary, the following action was taken:

Upon Unanimous Roll Call Vote (Council Member Mumm absent), the City Council **passed Special Budget Ordinance C35604** amending Ordinance No. C35565 passed by the City Council December 11, 2017, and entitled, "An Ordinance adopting the Annual Budget of the City of Spokane for 2018, making appropriations to the various funds, departments and programs of the City of Spokane government for the fiscal year ending December 31, 2018, and providing it shall take effect immediately upon passage, and declaring an emergency and appropriating funds in:

Street Fund

FROM: Roadway Maintenance, \$371,410;

TO: Various Accounts, same amount.

[This action budgets for four positions, Street Maintenance Operator II (from 0 to 2 Positions) and Laborer II (from 0 to 2 Positions), to support the City's alley maintenance efforts.]

There were no **Emergency Ordinances**.

RESOLUTIONS

Resolution 2018-0017 (CR: OPR 2016-0235)

Upon Unanimous Roll Call Vote (Council Member Mumm absent), the City Council **passed Resolution 2018-0017** declaring Cityworks by Azteca Systems, LLC, as a sole source for GIS based asset management systems software and authorizing staff to negotiate and execute a contract with Azteca Systems, Inc. for the procurement—\$76,160 (incl. tax).

Resolution 2018-0018

Subsequent to an introduction of Resolution 2018-0018 by Human Resources Director Chris Cavanaugh, who was accompanied by Kelly Keenan at the podium; the opportunity for public testimony, with no individuals requesting to speak; and Council commentary, the following action was taken:

Upon Unanimous Roll Call Vote (Council Member Mumm absent), the City Council **adopted Resolution 2018-0018** approving the appointment of Kelly Keenan as Director – Community, Housing and Human Services for the City of Spokane.

(Clerical Note: Prior to the 6:00 p.m. Legislative Session, clerical corrections were made to Resolution 2018-0018 to correctly reflect the title of the position as "Director – Community, Housing and Human Services," which matches the title reflected in the Spokane Municipal Code. The title previously read "Director- Community Development & Human Services.")

Resolution 2018-0019

Council President Stuckart provided a brief overview of Resolution 2018-0019. There was an opportunity for public testimony, with no individuals requesting to speak, after which the following action was taken:

Upon Unanimous Roll Call Vote (Council Member Mumm voting “no”), the City Council adopted Resolution 2018-0019 regarding the City of Spokane’s official intent to reimburse certain expenditures from bond proceeds issued for the 2018 Library Facilities and Future Service Project.

FINAL READING ORDINANCES**Final Reading Ordinance C35602**

Council President Stuckart provided an overview of Final Reading Ordinance C35602. Public testimony was received from one individual and Council commentary held. Council Member Beggs noted that last week he proposed an amendment to remove, under (the definition of) “minor,” contracts with outside law firms that would initiate litigation without consultation with Council. He noted he had some good discussion with City Attorney Ormsby who met with the Mayor and the Mayor agrees that what happened before with the Fish and Wildlife lawsuit should not happen, and they are going to put together an administrative policy to make it clear that any mayor is not going to start lawsuits without consulting with the City Council ahead of time. Council Member Beggs noted with that, he is satisfied (and therefore no need for his proposed amendment). The following action was taken:

Upon Unanimous Roll Call Vote (Council Member Mumm absent), the City Council passed Final Reading Ordinance C35602 (as amended on March 5, 2018) relating to the standards and processes for procurement; repealing sections 7.06.0295, 7.06.162, 7.06.177, 7.06.269, 7.06.272, and 7.06.550; amending sections 7.06.020, 7.06.0225, 7.06.030, 7.06.035, 7.06.060, 7.06.097, 7.06.100, 7.06.110, 7.06.120, 7.06.130, 7.06.140, 7.06.150, 7.06.160, 7.06.165, 7.06.167, 7.06.170, 7.06.173, 7.06.174, 7.06.180, 7.06.182, 7.06.185, 7.06.190, 7.06.200, 7.06.220, 7.06.250, 7.06.260, 7.06.261, 7.06.262, 7.06.264, 7.06.267, 7.06.270, 7.06.271, 7.06.274, 7.06.275, 7.06.276, 7.06.280, 7.06.290, 7.06.310, 7.06.320, 7.06.330, 7.06.340, 7.06.400, 7.06.420, 7.06.430, 7.06.500, 7.06.510, 7.06.520, 7.06.530, 7.06.540, 7.06.600, 7.06.610, 7.06.620, 7.06.700, 7.06.710, 7.06.720, 7.06.730, 7.06.750, 7.06.760, and 7.06.770; and enacting a new section 7.06.155 of the Spokane Municipal Code.

Final Reading Ordinance C35603

Subsequent to an opportunity for public testimony, with no individuals requesting to speak, the City Council took the following action:

Upon Unanimous Roll Call Vote (Council Member Mumm absent), the City Council passed Final Reading Ordinance C35603 terminating the inactive ambassador incentive program; repealing chapter 03.08 of the Spokane Municipal Code.

There were no First Reading Ordinances.

SPECIAL CONSIDERATIONS**Letter to Governor Jay Inslee urging the signing of H.B. 2887, the Responsible Representation Act (CPR 2018-0030)**

The following actions were taken:

Motion by Council Member Burke, seconded by Council Member Fagan, **to suspend** the Council Rules; **carried unanimously (Council Member Mumm absent).**

Motion by Council Member Burke, seconded by Council Member Beggs, **to add** to the Council’s agenda the letter to Governor Jay Inslee supporting the signing of H.B. 2887, the Responsible Representation Act; **carried unanimously (Council Member Mumm absent).**

Council Member Burke provided an overview of the letter and public testimony was received from one individual, after which the following action was taken:

Upon Unanimous Roll Call Vote (Council Member Mumm absent), the City Council approved the Letter to Governor Jay Inslee urging the signing of H.B. 2887, the Responsible Representation Act.

There were no **Hearings**.

ANNOUNCEMENT

Council President Stuckart announced that next week's 6:00 p.m. City Council meeting will be a Town Hall meeting at the East Central Community Center. (Note: The 3:30 p.m. Briefing Session on that date will be held in the City Council Chambers.)

No individuals spoke during the **Second Open Forum**.

ADJOURNMENT

There being no further business to come before the City Council, the Regular Legislative Session of the Spokane City Council adjourned at 6:30 p.m.

General Notices

Notice of City Council Consideration of Resolution Setting the Annual Amendment Comprehensive Plan Work Program

Notice is hereby given that the City of Spokane City Council will set the Annual Comprehensive Plan Amendment Work Program for 2018 by Resolution on **Monday, March 26, 2018, at 6:00 p.m.** in the City Council Chambers, Lower Level of City Hall, 808 West Spokane Falls Boulevard, Spokane, Washington. This meeting is open to the public and there will be opportunity for public testimony.

Any person may submit written comments on the proposed actions to tblack@spokanecity.org or call for additional information at:

*Planning & Development Department
Attn: Tirrell Black, Associate Planner
808 West Spokane Falls Boulevard
Spokane, WA 99201-3329
Phone (509) 625-6185
tblack@spokanecity.org*

Background: An Ad Hoc Committee met on February 7, 2018 to review and make a recommendation to City Council regarding which land use plan map amendment proposals should move forward, as outlined in SMC 17G.020.026. The committee recommended that all applications move forward. Additionally, one text amendment is proposed by city council to be added to the work program. Documents related to these amendments are available for viewing at: <https://my.spokanecity.org/projects/2017-2018-proposed-comprehensive-plan-amendments/>

File #	General Location	Neighborhood	Applicant
Z2017-612COMP	W 6 th Ave & S Stevens	Cliff/Cannon	Clanton Family LLC
Z2017-622COMP	W 7 th Ave & S. C St	West Hills	Ventura Land Holdings LLC
Z2017-623COMP	9 th Ave & S. Madison	Cliff/Cannon	Kain Investments LLC (formerly 926 Monroe LLC)
Z2017-624COMP	1616 S Rustle St	West Hills	U Haul
Z2017-630COMP	6216 N. Washington St.	North Hill	Plese & Plese LLC

AMERICANS WITH DISABILITIES ACT (ADA) INFORMATION: *The City of Spokane is committed to providing equal access to its facilities, programs and services for persons with disabilities. The Spokane City Council Chamber in the lower level of Spokane City Hall, 808 W. Spokane Falls Blvd., is wheelchair accessible and also is equipped with an infrared assistive listening system for persons with hearing loss. Headsets may be checked out (upon presentation of picture I.D.) at the City Cable 5 Production Booth located on the First Floor of the Municipal Building, directly above the Chase Gallery or through the meeting organizer. Individuals requesting reasonable accommodations or further information may call, write, or email Human Resources at 509.625.6363, 808 W. Spokane Falls Blvd, Spokane, WA,*

99201; or msteinolfson@spokanecity.org. Persons who are deaf or hard of hearing may contact Human Resources through the Washington Relay Service at 7-1-1. Please contact us forty-eight (48) hours before the meeting date.

Publish March 14 & 21, 2018

Notice of Intent to Adopt Amendment to the Unified Development Code and SEPA Review

City of Spokane Planning is the lead on proposed amendments to SMC 17C.130.310(E) – Industrial Fence Code, Electric Fences.

Project Description: Amendments to the City's industrial fence code are proposed to extend the use of electric fences to the Light Industrial (LI) Zone. Amendments include landscape and screening requirements where electric fences are installed adjacent to or across a street or alley from a non-industrial zone, residential use, daycare facility, school, sidewalk, trail, or other pedestrian connection. Amendments support comprehensive plan goals and policies and balance the need for effective security with the preservation of community appearance and character. Additionally amendments afford electric fence users greater flexibility regarding hours of operation of electric fences.

SEPA Status: A DNS was issued January 20, 2016 and is anticipated to be adopted for this project. The DNS and other project documents are on the project webpage: <https://my.spokanecity.org/projects/electric-fence-text-amendment-update/>

Legislative Process: A Plan Commission Public Hearing is tentatively scheduled for May 9, 2018. City Council action will occur this spring.

More information: Any person may call for additional information and/or sign up to receive email updates on this project by sending an email to the planner. Contact Person: Melissa Owen, Assistant Planner. mowen@spokanecity.org, 509-625-6063. A current draft and additional documents may be viewed on the Project Page: <https://my.spokanecity.org/projects/electric-fence-text-amendment-update/>

Publish: March 21, 2018

Ordinances

These ordinances are published in this issue of the *Official Gazette* pursuant to passage by the Spokane City Council. It should be noted that these ordinances may be subject to veto by the Mayor. If an ordinance is vetoed by the Mayor, the Mayoral veto will be published in a subsequent issue of the *Official Gazette*.

ORDINANCE NO. C35602

An ordinance relating to the standards and processes for procurement; repealing sections 07.06.0295, 07.06.162, 07.06.177, 07.06.269, 07.06.272, and 07.06.550; amending sections 07.06.020, 07.06.0225, 07.06.030, 07.06.035, 07.06.060, 07.06.097, 07.06.100, 07.06.110, 07.06.120, 07.06.130, 07.06.140, 07.06.150, 07.06.160, 07.06.165, 07.06.167, 07.06.170, 07.06.173, 07.06.174, 07.06.180, 07.06.182, 07.06.185, 07.06.190, 07.06.200, 07.06.220, 07.06.250, 07.06.260, 07.06.261, 07.06.262, 07.06.264, 07.06.267, 07.06.270, 07.06.271, 07.06.274, 07.06.275, 07.06.276, 07.06.280, 07.06.290, 07.06.310, 07.06.320, 07.06.330, 07.06.340, 07.06.400, 07.06.420, 07.06.430, 07.06.500, 07.06.510, 07.06.520, 07.06.530, 07.06.540, 07.06.600, 07.06.610, 07.06.620, 07.06.700, 07.06.710, 07.06.720, 07.06.730, 07.06.750, 07.06.760, and 07.06.770; and enacting a new section 07.06.155 of the Spokane Municipal Code.

NOW THEREFORE, the City of Spokane does ordain:

Section 1. That sections 07.06.0295, 07.06.162, 07.06.177, 07.06.269, 07.06.272, and 07.06.550 of the Spokane Municipal Code are hereby repealed.

Section 2. That sections 07.06.020, 07.06.0225, 07.06.030, 07.06.035, 07.06.060, 07.06.097, 07.06.100, 07.06.110, 07.06.120, 07.06.130, 07.06.140, 07.06.150, 07.06.160, 07.06.165, 07.06.167, 07.06.170, 07.06.173, 07.06.174, 07.06.180, 07.06.182, 07.06.185, 07.06.190, 07.06.200, 07.06.220, 07.06.250, 07.06.260, 07.06.261, 07.06.262, 07.06.264, 07.06.267, 07.06.270, 07.06.271, 07.06.274, 07.06.275, 07.06.276, 07.06.280, 07.06.290, 07.06.310,

07.06.320, 07.06.330, 07.06.340, 07.06.400, 07.06.420, 07.06.430, 07.06.500, 07.06.510, 07.06.520, 07.06.530, 07.06.540, 07.06.600, 07.06.610, 07.06.620, 07.06.700, 07.06.710, 07.06.720, 07.06.730, 07.06.750, 07.06.760, and 07.06.770 of the Spokane Municipal Code are amended to read as follows:

Section 07.06.020 Designees

Reference to the ~~((mayor))Mayor~~, ~~((city-clerk))City Clerk~~ or ~~((purchasing-director))Purchasing Director~~ includes their respective designees.

Section 07.06.0225 Competitive Bidding Consideration of Tax Revenues

- A. Bids and price quotes shall be solicited whenever possible from vendors located in ~~((the city of))~~ Spokane and Washington State. However, pursuant to the ~~((city-charter))City Charter~~ and Washington law on competitive procurement, the ~~((city))City~~ may not favor local businesses in the award of competitively awarded contracts.
- B. In accordance with RCW 39.30.040 for purchases of supplies, materials, or equipment, the City shall take into consideration the sales tax revenue the City would receive by purchasing from a supplier located within its boundaries. The City shall provide notice to all potential bidders of its intent to award a contract based on this method at the time of bid advertisement. Provided, however, the City shall use the same form of bid advertisement and evaluation as used by the State of Washington for vehicles and motor equipment purchases.

Section 07.06.030 Guidelines

The ~~((purchasing-director))Purchasing Director~~ is authorized to establish ~~((regulations))procedures~~ to serve as guidelines ~~((in implementing))for the implementation of~~ this chapter.

Section 07.06.035 “Committee to Receive Bids” Defined

The committee to receive bids consists of the ~~((director-of-purchasing))Purchasing Director~~ and the ~~((city-clerk))City Clerk~~. The committee receives bids and refers them to the department requesting the work, or the purchaser, for evaluation and recommendation to the ~~((f))City Council~~ for acceptance or rejection. In the case of a joint bid with another governmental agency, only one (1) committee member need be present to receive bids.

Section 07.06.060 “Minor Contract” Defined

“Minor contract” means a:

- A. contract that involves a net revenue or expense (excluding sales tax and state filing fees) of thirty-five thousand dollars or less within a twelve-month period, and is of a routine nature, provided that the total expense (excluding sales tax and state filing fees) does not exceed a total of one hundred thousand dollars over the term of the contract (not including renewals); or
- B. housekeeping change or clarification to a contract that does not affect a material term or condition.

Effective the first of January of 2002 and the first of January of each year thereafter, the thirty-five thousand dollar limit shall be adjusted by the comptroller by an amount equal to one hundred percent of the average of the previous July - July U.S. All City Average (CPI-U and CPI-W). The newly determined amount shall be rounded to the nearest multiple of one hundred thousand dollars.

Effective the first of January of 2006 and the first of January of each year thereafter, the one hundred thousand dollar limit shall be adjusted by the comptroller by an amount equal to one hundred percent of the average of the previous July - July U.S. All City Average (CPI-U and CPI-W). The newly determined amount shall be rounded to the nearest multiple of one hundred thousand dollars.

Section 07.06.097 Use of Credit Cards

- A. The ~~((comptroller))Director of Finance Administration~~ maintains a credit card account with a suitable financial institution.
- B. The ~~((purchasing-director))Purchasing Director~~ distributes cards to such employees as appropriate for their use in making small purchases.

- C. Should a charge be disallowed, the charging employee must pay the amount of any disallowed charge to the City ~~((before the date the City is required to pay the billing from the credit card company))~~immediately. Should the employee fail to timely pay, the City has a lien against any sums payable to the employee, including wages.
- D. Use of procurement cards is subject to such rules and regulations as ~~((the comptroller may from time to time adopt))~~ detailed in the City's policies and procedures. A card may not be used for cash advances.

Section 07.06.100 Application

Except as otherwise provided by law or otherwise, procurements of all ~~((public works))~~Public Works, goods, and services are by ~~((public bidding))~~competitive procurement as defined in the City's policies and procedures.

- A. ~~((Local improvements are by public bidding when the estimated cost of the improvement exceeds five thousand dollars pursuant to RCW 35.43.190.~~

- B. ~~Public works are by public bidding when the estimated cost of the public work exceeds:~~

- ~~1. ninety thousand dollars if more than a single craft or trade is involved in the project; or~~
- ~~2. forty five thousand dollars if only a single craft or trade is involved in the project or the project is street signalization or street lighting.~~

~~In accordance with RCW 39.04.155, the City may use the small works roster process (including limited public works) as an alternate means of contracting for public works projects.~~

- C. ~~Purchasing of goods is by public bidding when the estimated cost thereof exceeds thirty five thousand dollars, or the then current "minor" contract level, in a twelve month period.~~

- D. ~~Procurement of personal services is by public bidding when the estimated cost thereof exceeds thirty five thousand dollars, or the then current "minor" contract level, in a twelve month period.~~

- E. ~~Procurement of professional architectural, engineering and surveying services shall be in accordance with article IV of this chapter.)~~

- F. Purchasing of goods from other government agencies with whom the City has ~~((an interlocal))~~a shared procurement agreement are exempt from the requirements of this section.

- G. Purchasing of supplies, materials, electronic data processing and telecommunication equipment, software, services, and/or equipment from or through the United States government are exempted from the requirements of this section.

- H. Except where prohibited by law, when the procurement of ~~((public works))~~Public Works, services, or goods involves the use of certain moneys subject to special restrictions, those special restrictions will govern the procurement.

Section 07.06.110 Invitation

- A. ~~((An invitation for bids))~~All invitations to bid (ITB) for formal sealed bids shall ~~((includes))~~include specifications and the contractual terms and conditions applicable to the procurement.

- B. Notice of the ~~((invitation for bids))~~ITB is published according to city policy stating the place, time, date of bid opening and the location for obtaining a copy of the ITB in the Official Gazette. Other advertising media may also be used.

~~((1. The notice states the place, time and date of bid opening, and the location for obtaining a copy of the invitation.))~~

Section 07.06.120 Bid Opening

Bids are opened publicly by the committee to receive bids at the time and place designated in the ~~((invitation))~~ITB for formal sealed bids.

Section 07.06.130 Evaluation

- A. Formal sealed ~~((Bids))~~bids are evaluated based upon the requirements set forth in the ~~((invitation for bids))~~ITB. The criteria for award shall be objectively measurable. No ~~((criteria))~~criterion may be used that ~~((are))~~is not set forth in the invitation. Bid evaluation shall be based on the following criteria where applicable and only which can be reasonably determined:

1. Price and the effect of term discounts. Price may be determined by the life-cycle costing if so indicated in the ~~((invitation))~~ITB.
2. The conformity of the goods, ~~((public work))~~Public Work and/or services bid with the ~~((invitation for bid or request for quotation specifications depicting the quality and the purposes for which they are required))~~ITB.
- ~~((3. The ability, capacity and skill of the bidder to perform the contract or provide the service required.~~
4. The character, integrity, reputation, judgment, experience and efficiency of the bidder.
5. Whether the bidder can perform the contract within the time specified.
6. The quality of performance on previous contracts.
7. The previous and existing compliance by the bidder with laws relating to the contract, including compliance with all local, state and federal labor laws and standards.
8. Servicing resources, capability and capacity.
9. Lack of uniformity or interchangeability, if such factors are important.
10. The energy efficiency of the product as projected throughout the anticipated useful life of the product; and
11. Such other information as may be secured having a bearing on the decision to award the contract.

~~B. As a condition of performing work on a public works contract for the City, in addition to the mandatory bidder responsibility criteria in RCW 39.04.350, a contractor shall qualify in accordance with the provisions of article VIII of this chapter. In addition to information specified in article VIII, the City may request, on a project by project basis, any other information deemed necessary to ensure that prospective contractors meet the responsibility standards established by this article and otherwise possess sufficient qualifications and capabilities in all respects to successfully qualify for and perform public works contracts.))~~

Section 07.06.140 Intergovernmental Purchase Contracts – Interlocal Purchase Agreements

- A. The ~~((purchasing director))~~Purchasing Director is encouraged to enter into joint or pooled purchase contracts with the state of Washington and other governmental units.
- B. The ~~((city council))~~City Council may authorize the purchase of goods without public bidding from a contract available through:
 1. the Washington State Purchasing Cooperative; or
 2. another governmental unit whenever the ~~((purchasing director))~~Purchasing Director and using department have shown that the procurement meets the City's requirements and represents the most favorable procurement for the City considering price and other evaluation factors.

Section 07.06.150 Award

- A. Following evaluation the requesting department~~((, along with the purchasing director in case of purchases,))~~ submits its recommendation for award to the ~~((city council))~~City Council.
- B. Notice of the award hearing is published in the agenda of the ~~((city council))~~City Council. The name and bid amount of the successful bidder(s) are available in the office of the ~~((city clerk))~~City Clerk at least one (1) day prior to the award hearing.
- C. Award may not be made until the award recipient has obtained a City business registration in accordance with chapter 08.01, SMC.
- ~~((D. Bidders and taxpayers wishing to formally protest the award of a bid must make their protests before the city council at the award hearing.~~
- E. ~~After hearing all protests, the city council makes its decision. To the extent required by state law, award for public works is to the low responsible bidder. Award for other procurements is to the bidder whose bid is most favorable to the City with price and other factors considered. Nothing herein is to be construed to compel the city council to make an award.~~

F. ~~The decision of the city council is final and not subject to appeal.))~~

Section 07.06.160 Alternatives to Public Bidding

- A. When it is considered impractical to initially prepare a procurement description to support an award based upon price, the ~~((purchasing director))~~Purchasing Director and the requesting department may utilize a ~~((request for information))~~Request for Information (RFI) or a ~~((request for proposals))~~Request for Proposals (RFP), including in ~~((an))~~ appropriate ~~((case-a))~~cases design-build ~~((proposal))~~proposals. The information received in response to the requests may serve as the basis for a future ~~((invitation to bid))~~ITB or as the basis for competitive negotiation.
- B. When the ~~((city))~~City pursues an alternative ~~((public works))~~Public Works contracting procedure, such as for design-build proposals or procurement under an approved general contractor/construction manager ("GC/CM") procurement method pursuant to Chapter 39.10 RCW, the City shall include, as part of the evaluation factors for all ~~((requests for qualifications))~~Requests for Qualifications (RFQ) ~~((or requests for proposals))~~, the firm's proximity to the project location.

Section 07.06.165 Small Works Roster

The following small public works roster procedures are established for use by the City pursuant to RCW 39.04.155.

- A. ~~((Pursuant to RCW 39.04.155, the))~~The City ~~((shall develop and administer a small works roster process for awarding public works (including public works maintenance) contracts. The City may create a single general small works roster, or may create a small works roster for different specialties or categories of anticipated work))~~need not comply with formal sealed bidding requirements for the construction, building, renovation, remodeling, alteration, repair, or improvement of real property where the estimated cost does not exceed three hundred thousand dollars (\$300,000), which includes the costs of labor, material, equipment, sales, or use taxes as applicable. Instead, the City may use the Small Works Roster (SWR) procedures for Public Works projects as set forth in this section. The breaking of any project into units or accomplishing any projects by phases is prohibited if it is done for the purpose of avoiding the maximum dollar amount of a contract that may be let using the SWR process.
- B. At least once each year, the City or third party vendor shall on behalf of the City, publish in ((the official newspaper or)) a newspaper of general circulation within the ((city))City of Spokane a notice of the existence of the ((small works roster))SWR and((-The notice shall)) solicit the names of the contractors for the ((small works roster))SWR. The City or third party vendor shall add responsible contractors to the SWR at any time that a contractor completes the online application provided and meets minimum state law requirements for roster listing.
- C. ~~((In addition to paper and/or electronic rosters kept on file, the))~~The City ~~((may also use the state wide electronic database developed and maintained by the Municipal Research and Services Center of Washington))~~shall obtain telephone, written, or electronic quotations for Public Works contracts from contractors on the appropriate SWR to assure that a competitive price is established, and to award contracts to a contractor who meets the mandatory bidder responsibility criteria in RCW 39.04.350(1). The City may establish Supplementary Bidder Responsibility Criteria (SBRC) under RCW 39.04.350(2) to be considered in the process of awarding a contract.
1. A contract awarded from the SWR will not be advertised. Invitations for quotations shall include an estimate of the scope and nature of the work to be performed as well as materials and equipment to be furnished. However, detailed plans and specifications need not be included in the invitation.
 2. Quotations may be invited from all appropriate contractors on the appropriate SWR. As an alternative, for projects expected to cost less than \$150,000, quotations may be invited from at least five (5) contractors on the appropriate SWR who have indicated the capability of performing the kind of work being contracted, in a manner that will equitably distribute the opportunity among the contractors on the appropriate roster. For purposes of this section, the phrase "equitably distribute" means that the City may not favor certain contractors on the appropriate SWR over other contractors on the appropriate SWR who perform similar services.
 3. At the time bids are solicited, the City representative shall not inform a contractor of the terms or amount of any other contractor's bid for the same project.
 4. A written record shall be made by the City representative of each contractor's bid on the project and of any conditions imposed on the bid. Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by electronic request.

Section 07.06.167 Limited Public Works Process

- A. ~~((Pursuant to RCW 39.04.155, the City shall develop and administer a limited public works process for awarding public works (including public works maintenance) contracts.))~~If a work, construction, alteration, repair, or improvement project is estimated to cost less than \$35,000 for Limited Public Works Projects, the City may award

such a contract using the limited public works process provided under RCW 39.04.155(3). For a limited public works project, the City will solicit electronic or written quotations from a minimum of three (3) contractors from the appropriate SWR and shall award the contract to the lowest responsible bidder as defined under RCW 39.04.010. After an award is made, the quotations shall be open to public inspection and available by electronic request.

- B. For limited public works projects, the City may waive the payment and performance bond requirements of chapter 39.08 RCW and the retainage requirements of chapter 60.28 RCW, thereby assuming the liability for the contractor's nonpayment of laborers, mechanics, subcontractors, material persons, suppliers, and taxes imposed under Title 82 RCW that may be due from the contractor for the limited public works project. However, the City shall have the right of recovery against the contractor for any payments made on the contractor's behalf.
- C. The City shall maintain a list of the contractors contacted and the contracts awarded during the previous twenty four (24) months under the limited public works process, including the name of the contractor, the contractor's registration number, the amount of the contract, a brief description of the type of work performed, and the date the contract was awarded.

Section 07.06.170 Sole Source Procurement

The ~~((city council))~~ City Council by resolution may, for contracts above the Minor Contract threshold, waive public bid requirements for purchases:

- A. ~~((public works))~~ Public Works and services that are clearly and legitimately limited to a single source of supply as determined by documented research;
- B. ~~((public works))~~ Public Works and services involving special facilities or market conditions;
- C. of insurance or bonds~~((-))~~; or
- D. of pharmaceuticals

The ~~((purchasing director))~~ Purchasing Director conducts negotiations, as appropriate, as to price, delivery and terms.

Section 07.06.173 Purchase of Used Goods

- A. The ~~((city council))~~ City Council may authorize the purchase of used goods without public bidding if the requesting department and ~~((purchasing director))~~ Purchasing Director have fully justified the acquisition of the used goods without bidding.
- B. Justification requires using independent appraisals to establish that the proposed purchase price is not above the fair market value of the goods.
 - 1. At least two appraisals will be done whenever possible, but in no event may there be fewer than one (1).
 - 2. The appraisals are to be made by competent persons, not associated with either the prospective seller or the City, who are knowledgeable of the goods' market value.

Section 07.06.174 Purchasing and Procurement Preference for Reusable Products, Recycled-Content Products and Recyclable Products

- A. All ~~((city))~~ City departments shall purchase and/or use, where practicable, reusable products, recycled-content products and recyclable products. The term "practicable" shall mean that the product performs adequately for its intended use and is available at a fair and reasonable price.
- B. City departments shall purchase and/or use only recycled-content paper for all imprinted letterhead, envelope and business card paper, file writing, photocopy paper, packaging papers, and printing papers. The City shall purchase recycled-content paper products through a single city department or a single purchase agreement whenever possible in order to maximize savings for the City.
- C. Departments shall publicize the City's use of recycled paper by printing the word's "Printed on Recycled Paper" or a recycled content logo on all letterhead, envelope and business card paper and on the title page of all reports printed on recycled paper, or by using recycled paper which is watermarked with the recycled content logo.
- D. The City shall encourage its vendors, contractors, and consultants to use reusable products, recycled-content products and recyclable products. Notice of the City's intent to procure goods or services that comply with the

provisions of this chapter regarding reusable products, recycled-content products and recyclable products shall be included in all request for bids or request for proposals.

- E. The City administration may adopt administrative policies to implement the provisions of this chapter, including the "Environmental Preferable Purchasing Policy," which may supplement but shall not conflict with this chapter.

Section 07.06.180 Emergency Procurement

- A. The ~~((city council))~~City Council, by resolution may waive public bid requirements for purchases, ~~((public works))~~Public Works and services in the event of an emergency. ~~((“Emergency” means unforeseen circumstances beyond the control of the City that either:~~

- ~~1. present a real, immediate threat to the proper performance of essential functions; or~~
- ~~2. will likely result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken.))~~

- B. If the emergency requires procurements ~~((before city council))~~prior to City Council action, the ~~((mayor))~~Mayor may declare an emergency situation exists, waive public bidding requirements, and award all necessary contracts on behalf of the City to address the emergency situation.

1. If a contract is awarded without public bidding due to an emergency, a written finding of the existence of an emergency must be made by the ~~((city council))~~ no later than two (2) weeks following the award of the contract.

- C. Force account work by City crews shall be in accordance with state law.

- D. Emergency procurements are made with such competition as is practicable under the circumstances.

Section 07.06.182 Repair or Maintenance of Equipment

The ~~((city council))~~City Council may award a contract without public bidding for the repair or maintenance of City equipment where the City is not equipped or able to do the work, and when it is impossible to estimate the repairs necessary until such equipment is dismantled.

Section 07.06.185 Purchase from Published Price Lists

The ~~((city council))~~City Council may award a contract without public bidding for the purchase of supplies, materials, equipment or services needed continuously or repeatedly, including catalogue or standard production items the price of which is determined by published price lists.

Section 07.06.190 Minor Procurement

- A. Procurements not subject to public bid shall be made with such competition as is practicable under the circumstances and as provided by the City's policies and procedures. Procurement requirements may not be artificially divided so as to constitute a minor procurement under this section.
- B. In accordance with state law, the ~~((purchasing director))~~City or third-party vendor shall at least twice a year publish a notice of the existence of vendor lists and solicit the names of vendors for the lists. In accordance with state law, the ~~((city council, by resolution,))~~Purchasing Director shall establish a procedure for securing ~~((telephone or written))~~appropriate quotations~~((, or both))~~from vendors.
- C. The mayor on a case-by-case basis may authorize securing in the open market, without quotation, any supplies, materials, equipment or services when the delay and expense in handling quotations would not be advantageous to the City.

Section 07.06.200 Cancellation of Invitations for Bids

An ~~((invitation for bids))~~ITB may be canceled, or any and all bids may be rejected in whole or in part, when the ~~((purchasing director))~~Purchasing Director determines that it is in the best interests of the City. The ~~((city council))~~City Council also may reject any or all bids prior to formal award of the contract.

Section 07.06.220 Specifications – Maximum Practicable Competition

- A. All specifications are to be drafted to promote overall economy for the intended purposes and encourage competition while satisfying the City's needs, and not be unduly restrictive.

- B. In following the obligations of this section, the ~~((purchasing director))~~Purchasing Director may consider lease, lease-purchase or purchase methods of procurement.

Section 07.06.250 Contracts – Execution

Except as otherwise provided, all contracts to which the City is a party shall be in writing and executed in the name of the City by the ~~((mayor))~~Mayor or ~~((council president))~~Council President under the direction of the ~~((city council))~~City Council, attested by the ~~((city clerk))~~City Clerk and, when necessary, acknowledged.

Section 07.06.260 Minor Contracts – Execution

- A. The ~~((city council))~~City Council hereby directs and authorizes the ~~((mayor))~~Mayor to execute minor contracts without individual approval of each contract by the ~~((city council))~~City Council.
1. The ~~((city clerk))~~City Clerk is authorized to attest such signatures.
 2. The ~~((mayor))~~Mayor may, upon his or her own volition, place any specific contract on the agenda for individual council authorization as he or she may see fit.
- B. Contracts which were publicly bid require prior City ~~((council))~~Council approval.
- C. Each minor contract shall specify the end date, and in no event shall a minor contract have a duration longer than two (2) years.

Section 07.06.261 Interlocal Purchase Agreements

- A. The ~~((city council))~~City Council hereby directs and authorizes the ~~((city administrator))~~City Administrator in a representative capacity for the ~~((mayor))~~Mayor to execute interlocal purchase agreements with other agencies and entities and to join cooperative purchasing programs without individual approval of each agreement by the ~~((city council))~~City Council.
- B. The ~~((city clerk))~~Clerk is authorized to attest such signatures.

Section 07.06.262 Change Orders – Contract Amendments

- A. The ~~((mayor))~~Mayor may authorize, by change order or contract amendment, aggregate increases of up to ten percent (10%) of the total contract dollars per contract, not to exceed one hundred thousand dollars (\$100,000), upon verification by the ~~((comptroller))~~Director of Finance Administrator that funds are available.
- B. Notwithstanding subsection (A) of this section, the ~~((city council))~~City Council hereby directs and authorizes the ~~((mayor))~~Mayor to delegate approval/signature authority for change orders where a pre-approved administrative reserve has been established without individual approval of each change order by the ~~((city council))~~City Council.
1. The ~~((city council))~~City Council shall approve ~~((the policy/procedures))~~City Policy 5200-08-01 for implementing this subsection.

Section 07.06.264 Final ~~((Approval))~~Acceptance of Public Works Contracts

- A. The ~~((mayor))~~Mayor is authorized to accept Final Acceptance of ~~((public works))~~Public Works contracts without individual action by the ~~((city council))~~City Council.
- B. Final ~~((acceptance))~~Acceptance of unit-price ~~((public works))~~Public Works contracts does not require a final adjustment change order if the contract cost is up to ten percent (10%) of the original bid cost, including all change orders.

Section 07.06.267 Engineering Administration

The ~~((director of public works and utilities))~~Director of Public Works and Utilities may execute routine documents as required for efficient administration of ~~((public works))~~Public Works projects, such as permits to enter and construction easements, and may authorize payment therefor by voucher.

Section 07.06.270 Purchase Order Contracts

The Purchasing ~~((director of purchasing))~~Director is designated to execute ~~((purchase order))~~Purchase Order (PO) contracts in a representative capacity for the ~~((mayor))~~Mayor, except contracts:

- A. which have been publicly bid; and

- B. exceeding ~~((thirty-five thousand dollars, or))~~ the then current ~~((“minor” contract level))~~ Minor Contract threshold, in a twelve-month period

require prior ~~((council))~~ City Council approval.

Section 07.06.271 Spokane Employees’ Retirement System (SERS) Contracts

- A. The director of the Spokane ~~((employees’ retirement system))~~ Employees’ Retirement System (SERS) is designated to execute in a representative capacity for the ~~((mayor))~~ Mayor contracts approved by the ~~((board of administration))~~ for ~~((the Spokane employees’ retirement system))~~ SERS and the retirement fund.
- B. The director of ~~((the Spokane employees’ retirement system))~~ SERS is authorized to sign contracts authorized by the board, provided that such contracts meet all the requirements of SMC 4.14.070.
- C. The ~~((city clerk))~~ City Clerk shall attest such contracts.

Section 07.06.274 Extra-duty Police Security

The ~~((chief of police))~~ Chief of Police is designated to execute in a representative capacity for the ~~((mayor))~~ Mayor individual contracts for the assignment of City police officers to provide security in an extra-duty capacity in accordance with a master contract pre-approved by the ~~((city council))~~ City Council and with established departmental policies and procedures.

Section 07.06.275 Approval of Payment

Payments under all contracts are included in the claims submitted by the ~~((mayor))~~ Mayor to the ~~((council))~~ City Council for approval as provided in SMC 1.02.150 and Charter Section 24.18.

Section 07.06.276 Withholding of Payment

All City contracts shall provide that, for contractors or subcontractors who are subject to an open workers’ rights claim which has been substantiated by the Washington Department of Labor and Industries (L&I), the City may withhold payment under the contract until the claim has been resolved in accordance with Chapter 49.48 RCW.

Section 07.06.280 Public Announcement

- A. Requirements for ~~((architect, engineer and land surveyor))~~ Architect, Engineer, and Land Surveyor services are published in advance. The announcement states the general scope and nature of projects or works for which the services are required and the address of the City representative who can provide further details.
- B. Compliance with this section can be accomplished by publishing an announcement for professional services on each occasion when professional services are required ~~((, or by announcing generally to the public projected requirements for any category or type of professional services))~~.

Section 07.06.290 Selection Process

- A. In the procurement of ~~((architect, engineer and land surveyor))~~ Architect, Engineer, and Land Surveyor services, the ~~((purchasing director))~~ Purchasing Director encourages firms engaged in the lawful practice of their profession to submit annually a ~~((statement of qualifications))~~ Statement of Qualifications (SOQ) and performance data.
- B. Current ~~((statements of qualifications))~~ SOQ and performance data on file with the ~~((purchasing director))~~ Purchasing Director or third-party manager, together with those that may be submitted by other firms regarding the proposed project, are evaluated by the City to determine the most qualified professional service provider for the proposed project.
- C. Discussions with one or more firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required services are conducted and the selection is made from those discussions, based upon criteria established by the City, of the firm deemed to be the most highly qualified to provide the services required for the proposed project.

Section 07.06.310 Bid Security – Public Works

- A. When Required
Bid security is required for all public bidding of ~~((public work))~~ Public Works contracts. Bid security is a bond provided by a surety company authorized to do business in the state of Washington, or the equivalent in cash, or otherwise

supplied in a form satisfactory to the City. Nothing herein prevents the requirement of such security on ~~((public work))~~Public Works contracts under the public bid limits when the circumstances warrant.

B. Amount of Bid Security.

Bid security is at least five percent (5%) of the total amount of the bid.

C. Rejection of Bids for Noncompliance with Bid Security Requirements.

When the ~~((invitation for bids))~~ITB requires security, noncompliance requires that the bid be rejected unless it is determined that the bid fails to comply in a nonsubstantial manner with the security requirements.

D. Withdrawal of Bids.

After the bids are opened they are irrevocable for the period specified in the ~~((invitation for bids))~~ITB. If a bidder is permitted to withdraw its bid before award, no action is had against the bid or the bid security. Withdrawal of inadvertently erroneous bids before or after award or cancellation of awards or contracts based on such bid mistakes may be permitted. Except as otherwise provided by regulation, all decisions to permit the withdrawal of bids, or to cancel awards or contracts based on bid mistakes, shall be supported by a written determination made by the Purchasing Director.

Section 07.06.320 Performance and Payment Bonds – Public Works

A. When Required – Amounts.

Except as provided by state law, when a ~~((public work))~~Public Works contract is awarded, a performance and payment bond(s) satisfactory to the City and executed by a surety company authorized to do business in the state of Washington, or otherwise secured in a manner satisfactory to the City, in an amount equal to one hundred percent (100%) or more of the price specified in the contract, must be delivered to the City to become binding on the parties upon the execution of the contract.

B. Authority to Require Additional Bonds.

Nothing in this section limits the authority of the City to require a performance bond or other security in addition to the aforementioned bonds, or in circumstances other than specified in subsection (A) of this section.

Section 07.06.330 Bid and Performance Bonds on Purchase and Other Contracts

A. Bid and performance bonds or other security may be requested for purchase contracts and other contracts as the ~~((purchasing director))~~Purchasing Director or requesting department deems advisable to protect the City's interest.

B. Bid or performance bonds are not to be used as a substitute for a determination of a bidder or offeror's responsibility.

Section 07.06.340 Remedies for Solicitations or Awards in Violation of Law

A. Prior to Bid Opening.

If, prior to bid opening, it is determined administratively or upon judicial review that a solicitation is in violation of applicable law, the solicitation is canceled or revised to comply with such law.

B. Prior to Award.

If, after bid opening, it is determined administratively or upon judicial review that a solicitation or proposed award of a contract is in violation of applicable law, the solicitation or proposed award is canceled.

C. After Award.

If, after an award, it is determined administratively or upon judicial review that a solicitation or award of a contract was in violation of applicable law, then if the person awarded the contract has:

1. not acted fraudulently or in bad faith, the contract may be:

a. ratified and affirmed by the ~~((city council))~~City Council, if it is determined that doing so is in the City's best interests; or

b. terminated upon order of the ~~((city council))~~City Council;

2. acted fraudulently or in bad faith, the ~~((city council))~~City Council may declare the contract null or voidable, if such action is in the City's best interests, without prejudice to the City's rights to any appropriate damages.

Section 07.06.400 Municipal Art Projects

The City accepts responsibility for the beautification of its public areas. The ~~((council))~~City Council finds that such beautification adds greatly to the enhancement of the quality of life of Spokane's citizens, attracts tourism, and provides incentives to business to locate in the City, thereby expanding Spokane's economic base. The policy is, therefore, established to include works of art in ~~((public works))~~Public Works of the City.

Section 07.06.420 Funding Works of Art

- A. ~~((Whoever))~~Whoever requests an appropriation of an eligible fund for a construction project includes one percent (1%) of the estimated project cost for works of art. When the ~~((council))~~City Council approves such an appropriation request, the appropriation includes the one percent (1%) for art.
- B. Appropriation Requests.
1. All appropriation requests subject to this section shall be reviewed by the ~~((director of arts))~~Spokane Arts Commission prior to submission to the ~~((city council))~~City Council.
 2. At the time an appropriation request is submitted to the ~~((city council))~~City Council, the ~~((director))~~Spokane Arts Commission may ask that up to one-half of the one percent (0.5%) for arts be transferred to the ~~((municipal arts projects fund))~~Municipal Arts Project Fund for purposes authorized in SMC 7.08.106, and as further provided in this section. At the time of making a request, the ~~((director))~~Spokane Arts Commission shall additionally consult with the party responsible for the overall appropriation request.
 3. Administration of the execution and placement of art projects supported by funds so transferred is under the authority of the ~~((arts director))~~Spokane Arts Commission.
- C. Transfer of funds under subsection (B) of this section remains subject to any restrictions or requirements applicable to uses of the funds in contract or law, such as applicable requirements as may arise under RCW 43.09.210 or from funding or grant sources.
1. The party or department originating the appropriation request may also propose other restrictions.
 2. Any portion of funds transferred may also be placed in a restricted pooled fund for maintenance of artwork, the fund to be administered by the ~~((director of arts))~~Spokane Arts Commission.
- D. The ~~((director of arts, with the support of the arts commission,))~~Spokane Arts Commission develops criteria for use of or access to funds transferred under subsection (B) of this section, which shall consider:
1. accessibility of the work to the community (e.g., placement in parks, publicly accessible corridors, community gathering places, and public buildings or other zones of public interaction);
 2. compatibility with the ~~((municipal comprehensive land use plan))~~Comprehensive Plan, including the long-range land use plan; and
 3. conformity to the ~~((municipal arts plan))~~Municipal Arts Plan, referenced in SMC 4.05.050 and chapter 4.05 SMC;
 4. art proposed to be placed in parks shall further be subject to approval of the ~~((park board))~~Park Board.
 5. art in municipal libraries shall be subject to approval of the library board.
 6. the director of arts may also consider the advice of other jurisdictional bodies such as neighborhood councils, business improvement district councils or similar bodies exercising oversight or advisory over affected areas.
- E. All selection and placement of art shall at all times be subject to the ultimate judgment and discretion of the ~~((director of arts))~~Spokane Arts Commission, and no public forum or rights of access shall ever be created. As a general principle, public art should encourage enjoyment and appreciation of art for all ages and members of the public. The City at all times reserves the right to decline to accept any art proposal.

Section 07.06.430 Spokane Arts Commission

The ~~((arts commission))~~Spokane Arts Commission coordinates the selection, placement and other planning and design factors of municipal art projects in accordance with the overall ~~((municipal arts plan))~~Municipal Arts Plan as provided in SMC 4.05.050.

Section 07.06.500 Bidder/Contractor Responsibility Criteria (Mandatory)

Before contract award, the bidder shall meet the following bidder responsibility criteria to be considered a responsible bidder. The bidder may be required by the City of Spokane to submit documentation demonstrating compliance with the criteria. The bidder and all subcontractors included in the bid must:

- A. Have a current certificate of registration as a contractor in compliance with chapter 18.27 RCW, which must have been in effect at the time of bid submittal;
- B. Have a current Washington Unified Business Identifier (UBI) number;
- C. If applicable, show proof of:
 - 1. Industrial insurance (workers' compensation) coverage for the bidder's employees working in Washington, as required in Title 51 RCW;
 - 2. A Washington (~~((employment security department))~~)Employment Security Department number, as required in Title 50 RCW; and,
 - 3. A Washington (~~((department of revenue))~~)Department of Revenue state excise tax registration number, as required in Title 82 RCW; and,
- D. Demonstrate that they are not disqualified from bidding on any (~~((public works))~~)Public Works contract under RCW 39.06.010 or RCW 39.12.065(3).
- E. Shall affirm and certify that they will not violate any local, state, or federal labor laws or standards during the course of performing work under the City contract.
- F. All low bidders must sign a sworn statement of not being a willful violator of state minimum wage laws, and this sworn statement shall be placed upon the signature line of all Public Works bid proposals in order to be considered a responsive bidder, and thus awarded the Public Works contract.
- G. Shall affirm and certify that the bidder will comply with and notify its principals and subcontractors of the provisions of the Spokane Fair Elections Code, chapter 01.07, SMC.

Section 07.06.510 Subcontractor Responsibility Criteria (Mandatory)

- A. The contractor shall include the language of this section in each of its first tier subcontracts, and shall require each of its subcontractors to include the same language of this section in each of its subcontracts, adjusting only as necessary the terms used for the contracting parties. Unless otherwise required by state or federal law, the contractor shall provide, prior to executing a contract with a subcontractor, documentation to the City demonstrating that the subcontractor meets the subcontractor responsibility criteria below. Documentation shall be submitted on forms provided by the City. The requirements of this section apply to all first-tier subcontractors. The contractor shall resubmit this documentation if an existing subcontractor is replaced with a new subcontractor. Verification of compliance by subcontractors other than first-tier subcontractors shall be provided by the contractor upon request by the City.
- B. At the time of subcontract execution, the contractor shall verify that each of its first tier subcontractors meets the following bidder responsibility criteria:
 - 1. Have a current certificate of registration in compliance with chapter 18.27 RCW, which must have been in effect at the time of subcontract bid submittal;
 - 2. Have a current Washington Unified Business Identifier (UBI) number;
 - 3. If applicable, have:
 - a. Have industrial insurance (workers' compensation) coverage for the subcontractor's employees working in Washington, as required in Title 51 RCW;
 - b. A Washington (~~((employment security department))~~)Employment Security Department number, as required in Title 50 RCW;

- c. A Washington (~~((department of revenue))~~)Department of Revenue state excise tax registration number, as required in Title 82 RCW;
- d. An electrical contractor license, if required by chapter 19.28 RCW;
- e. An elevator contractor license, if required by chapter 70.87 RCW.
- f. Not be disqualified from bidding on any (~~((public works))~~)Public Works contract under RCW 39.06.010 or RCW 39.12.065 (3).

Section 07.06.520 Supplemental Bidder Responsibility Criteria

- A. In addition to mandatory bidder responsibility criteria set forth in SMC 7.06.500, the low responsible bidder shall also be responsible for (~~((meet))~~)meeting the City's supplemental bidder responsibility criteria. Evidence of compliance with the City's supplemental responsibility criteria shall be requested from the lowest bidder on a (~~((public works))~~)Public Works project. If the lowest bidder is subsequently disqualified, then the next lowest bidder shall submit evidence of compliance with the City's supplemental bidder responsibility criteria. The City reserves the right to request evidence of compliance with the City's supplemental bidder responsibility criteria from additional bidders should the two (2) lowest bidders fail to meet the supplemental bidder responsibility criteria as set forth in the call for bids.
- B. The following supplemental bidder responsibility criteria describe the relevant experience, training, and/or certification requirements or qualifications that the City shall consider before award of contract. In making a determination above the contractor, the City shall consider:
 - 1. Work Experience and Company Reputation
 - a. Company History
Whether the bidder is a reputable person / company / legal entity in order to gainfully win public contract awards with the City of Spokane.
 - b. Work Experience
Whether the bidder meets project specific criteria, including work experience, as added by each department based on the unique qualities of a particular public works project.
 - c. Performance Evaluations
Whether under past or present names the bidder has received "deficient" or "inadequate" performance evaluations on two (2) or more contracts from the City (~~((of))~~)or other municipalities or another governmental agency on a (~~((public works))~~)Public Works project within the last five (5) years.
 - d. References
The City reserves the right to check references, whether identified by the bidder or not, on all bidders, including using itself as a reference in applicable situations.
 - 2. Record of debarment/disqualification
Whether the bidder (including the primary contractor, or any firm with which any of the primary contractor's owners, officers, or partners was associated) has been debarred, disqualified, removed or has been otherwise prevented from bidding on, or completing any governmental agency or (~~((public works))~~)Public Works projects, including debarment by the federal, state or other municipal governmental during the last five (5) years.
 - 3. Safety
In the last five (5) years the bidder shall not have a history of willful or repeat violations of safety or health regulations by OSHA or other agencies responsible for safety oversight.
 - 4. Environmental Regulations
In the last five (5) years, the bidder shall not have a history of serious citations from environmental enforcement agencies on projects for which the bidder was the contractor.
 - 5. Utilization Requirements
In the last five (5) years, it has been determined by a government agency that the bidder did not comply with disadvantaged business enterprises, apprenticeship or other similar utilization requirements on (~~((public works))~~)Public Works projects.

6. Discrimination
Whether the bidder has been found guilty of violating or failing to comply with discrimination laws.
7. Prevailing Wage
Whether in the last previous five (5) years the bidder has a pattern of prevailing wage violations as determined by the applicable state or federal government agency monitoring prevailing and/or Davis Bacon wage compliance, unless there are extenuating circumstances acceptable to the City.
8. Public Bidding Crimes (Criminal Convictions)
Whether the bidder has been convicted of a crime involving bidding on a ~~((public-works))~~ Public Works contract within the previous five (5) years.
9. Claims against Retainage or Bonds
Whether the bidder has a record of multiple claims filed against the retainage or payment bonds for ~~((public works))~~ Public Works projects during the previous three (3) years that demonstrate a lack of effective management by the bidder of making timely and appropriate payments its subcontractors, suppliers and workers, unless there are extenuating circumstances acceptable to the City.
10. Termination for Cause
Whether the bidder has had any ~~((public-works))~~ Public Works contract terminated for cause by a government agency during the previous five (5) years unless there are extenuating circumstances acceptable to the City in its sole discretion.
11. Litigation
Whether the bidder has lawsuits (or arbitrations for those instances where arbitration is completed in lieu of a lawsuit) with judgments entered against the bidder within previous five (5) years that demonstrate a pattern of failing to meet the terms of contracts, unless there are extenuating circumstances acceptable to the City in its sole discretion.
12. Delinquent State Taxes
Whether the bidder owes delinquent taxes to the Washington ~~((state-department-of-revenue))~~ Department of Revenue without a payment plan approved by the department of revenue before the date of award.
13. Labor Standards Violations
Whether the bidder has been found guilty of violating or failing to comply with local, state, or federal labor laws or standards.

Section 07.06.530 Modifications to the Supplemental Bidder Responsibility Criteria

- A. Potential bidders may request modifications to the City's supplemental bidder responsibility criteria by submitting a written request to the City's ~~((purchasing-division))~~ Purchasing Division no later than five (5) business days prior to the bid opening date designated for the project. Requests may be submitted via U.S. post mail, delivered personally, or sent by electronic mail or fax.
- B. Requests either not addressed to the ~~((purchasing-division))~~ Purchasing Division or requests received after this date and time will not be considered.
- C. The request shall include the project tile, the bidder's name and address, the applicable criteria the bidder is seeking to modify, the justification for why the identified criteria should be modified, and how the requestor would like the criteria modified. Requests either not addressed to the purchasing division or received less than five (5) business days prior to the bid opening date will not be considered.
- D. Any changes to the supplemental criteria, as determined by the City in its sole discretion, will be issued by addenda to the solicitation documents and posted to the City's website for the attention of all prospective bidders.

Section 07.06.540 Determinations

If the City determines the low bidder does not meet the supplemental bidder criteria as outlined and is therefore not a responsible bidder, the City shall notify the bidder in writing with the reasons for its determination. If the bidder disagrees with the City's determination, the bidder will have a minimum of three (3) business days to submit additional written information to the City. The City will consider any timely submitted additional information received from bidder before issuing its subsequent determination. If the bidder disagrees with the City's determination, it may appeal that determination to the ~~((mayor))~~ Mayor or his/her designee in writing within two (2) business days of receiving the City's

determination (the appeal shall be filed with the ~~((purchasing division))~~Purchasing Division). The ~~((mayor))~~Mayor or his/her designee shall make a final determination on the appeal and will include that decision in the staff report to the ~~((city council))~~City Council as the awarding authority. If the bidder is ultimately determined not responsible, the City will not execute a contract with any other bidder until at least two (2) business days after the bid award.

Section 07.06.560 Conflicts with Federal and State Laws

If any part of this article is found to be in conflict with federal and/or state requirements which are a prescribed condition to the allocation of federal and/or state funds to the City, the conflicting part of this article is declared to be inoperative solely to the extent of the conflict and with respect to the departments directly affected, and finding or determination shall not affect the operation of the remainder of this article in its application to the departments concerned. The rules and regulations under this article shall meet federal and state requirements which are a necessary condition to the receipt of federal and state funds by the City.

Section 07.06.600 Authority to Order Debarment and to Grant Exceptions

- A. If the ~~((city administrator))~~City Administrator or his or her designee determines that sufficient grounds exist as set forth in SMC 7.06.610, the ~~((city administrator))~~City Administrator or his or her designee may issue an order of debarment that prevents a person / firm from submitting a bid or proposal to the City, or from acting as a contractor or subcontractor on any contract with the City, for a period not to exceed two (2) years from the date of the order of debarment or from the date all appeals of that order of debarment are exhausted, whichever date is later. Without the prior approval of the ~~((city administrator))~~City Administrator or his or her designee, a department shall not accept a bid or proposal from a person / firm that has been debarred, and shall not consent to a contract or subcontract from a person / firm and a subcontractor that has been debarred.
- B. The ~~((city administrator))~~City Administrator or his or her designee may, but is not required to, enter into a voluntary agreement with a contractor providing that the person / firm will not submit a bid or proposal for any contract, and will not act as a contractor or subcontractor on any contract, for a period not to exceed two (2) years.

Section 07.06.610 Grounds for Debarment

The ~~((city administrator))~~City Administrator or his or her designee may issue an order of debarment that prevents a person / firm from entering into any contract with the City or from acting as a subcontractor on any contract with the City after determining that any of the following reasons exist; PROVIDED the ~~((city administrator))~~City Administrator shall weigh the relative severity of the offense(s) in making any decision to issue an order of debarment.

- A. The person ~~((/))~~or firm has received overall performance evaluations of deficient, inadequate, or substandard performance on three (3) or more City contracts.
- B. The person ~~((/))~~or firm has failed to comply with City ordinances or contract terms, including, but not limited to, ordinance or contract terms relating to disadvantaged business enterprises utilization requirements, discrimination, prevailing wage requirements, or apprentice utilization.
- C. The person ~~((/))~~or firm has abandoned, surrendered, or failed to complete or to perform work on or in connection with a City contract.
- D. The person ~~((/))~~or firm has failed to comply with contract provisions, including but not limited to quality of workmanship, timeliness of performance, and safety standards.
- E. The person ~~((/))~~or firm has submitted false or intentionally misleading documents, reports, invoices, or other statements to the City in connection with a contract.
- F. The person ~~((/))~~or firm has colluded with another person / firm to restrain competition.
- G. The person ~~((/))~~or firm has committed fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a contract for the City or any other government entity.
- H. The person ~~((/))~~or firm has failed to cooperate in a City debarment investigation.
- I. The person ~~((/))~~or firm has been found guilty of violating or failing to comply with local, state or federal non-discrimination laws.

- J. The person ((/))or firm has been found guilty of violating or failing to comply with local, state, or federal labor laws or standards.

Section 07.06.620 Procedures

A. Notice of Investigation.

The ((~~city administrator~~))City Administrator or his or her designee may initiate an investigation of a person ((/))or firm. The ((~~city administrator~~))City Administrator or his or her designee shall notify the person ((/))or firm in writing that an investigation has been initiated and the allegations that form the basis for the investigation. The notice of investigation shall be either personally served or sent by certified mail.

B. Investigation Results.

The results of the investigation shall be in writing and shall state, at a minimum, the allegation(s), the conclusion(s) reached regarding the allegation(s), the facts upon which the conclusion(s) are based, and the investigator's recommendation, including a recommended length of debarment, if any. The investigation results shall be either personally served or sent by certified mail.

C. Findings and Notice of Debarment.

The ((~~city administrator~~))City Administrator or his or her designee shall make a preliminary determination on whether the person ((/))or firm should be debarred within six (6) months of the date of service of the notice of investigation and provide the person ((/))or firm with findings, or the matter will be dismissed, unless the ((~~city administrator~~))City Administrator or his or her designee provides notice to the person ((/))or firm that there is good cause to extend the period of investigation for an additional specific period of time. If the ((~~city administrator~~))City Administrator or his or her designee determines that a person ((/))or firm should be debarred, the ((~~city administrator~~))City Administrator or his or her designee shall notify the person ((/))or firm of the City's intent to issue an order of debarment. The notice of debarment shall be in writing, and shall be either personally served or sent by certified mail. The notice of debarment shall include:

1. A statement that the City intends to issue an order of debarment prohibiting the person ((/))or firm from submitting a bid or proposal on a contract with the City and from acting as a contractor or subcontractor on a contract with the City;
2. A statement of the reasons for debarment, including the allegation(s), the conclusion(s) reached regarding the allegation(s), and the facts upon which the conclusion(s) are based;
3. The proposed length of debarment; and
4. Information on how the person ((/))or firm can contest the notice.
If the ((~~city administrator~~))City Administrator or his or her designee determines that the person ((/))or firm should not be debarred, the ((~~city administrator~~))City Administrator or his or her designee shall issue a written determination to that effect.

D. Notice of Appeal.

1. A person ((/))or firm may contest the notice of debarment by filing a written notice of appeal with the ((~~mayer~~))Mayor or his/her designee no later than fourteen (14) calendar days after the date of service of the notice of debarment. Unless waived by the ((~~mayer~~))Mayor or his/her designee, filing a notice of appeal is an administrative remedy that the person ((/))or firm shall exhaust before seeking judicial review.
2. If the person ((/))or firm does not timely contest the notice of debarment, the ((~~city administrator~~))City Administrator or his or her designee shall issue an order of debarment, which shall set forth:
 - a. The contracting activities from which the person ((/))or firm is barred from participating;
 - b. The length of the debarment;
 - c. A brief statement of the facts upon which the debarment is based; and
 - d. A response to any written comments submitted by the person ((/))or firm.
3. The notice of appeal shall state the reasons why the person ((/))or firm alleges the notice of debarment is erroneous, provide copies of any documents that support the person's ((/))or firm's arguments, provide the names and/or sworn written statements of all witnesses that have knowledge of relevant information related to

the proposed debarment, identify any other specific information that supports the person ((/))or firm's arguments, and specify a desired remedy.

4. The appeal shall be heard by an ~~((appeals committee))~~Appeals Committee within ninety (90) days of receipt of the notice of appeal. The ~~((appeals committee))~~Appeals Committee shall be made up of three (3) persons, one (1) appointed by the ~~((city administrator))~~City Administrator, one (1) appointed by the person ((/))or firm and the third to be appointed by the other two (2) ~~((appeals committee))~~Appeals Committee members.

The ~~((appeals committee))~~Appeals Committee shall hold a hearing on the appeal. At the hearing, the person ((/))or firm may discuss only those issues raised in the notice of appeal unless the ~~((appeals committee))~~Appeals Committee allows otherwise. If a hearing is held, the ~~((city administrator))~~City Administrator or his or her designee shall have the burden of establishing by a preponderance of the evidence that the grounds exist for an order of debarment.

5. The ~~((appeals committee))~~Appeals Committee shall consider the notice of debarment, the person ((/))or firm's notice protest, and, if a hearing is held, the evidence presented at the hearing. The ~~((appeals committee))~~Appeals Committee shall issue a final written decision and order regarding whether the person ((/))or firm should be debarred within thirty (30) days of the conclusion of the hearing. If the ~~((appeals committee))~~Appeals Committee issues an order of debarment, that order shall state:
- a. The contracting activities from which the person ((/))or firm is barred from participating;
 - b. The length of the debarment; and
 - c. Findings and conclusions upon which the debarment is based.

The ~~((appeals committee's))~~Appeals Committee's decision shall be the final administrative decision of the City.

Section 07.06.700 Intent

The City of Spokane recognizes that a well-trained construction work force is critical to the ability of constructing successful ~~((public works))~~Public Works projects. Apprenticeship training programs are particularly effective in providing training and experience to individuals seeking to enter or advance in the work force. By providing for apprenticeship utilization on ~~((public works))~~Public Works projects, the City can create opportunities for training and experience that will help assure that a trained work force will be available in sufficient numbers in the future for the construction of ~~((public works))~~Public Works projects.

Section 07.06.710 Definitions

For the purpose of this article, the following words are defined as follows:

- A. "Community Empowerment Zone" (CEZ) means that portion of those census tracts which are situated within the County of Spokane and designated by the State of Washington as entitled to receive tax incentives because of high levels of poverty and unemployment.
- B. "Labor hours" means the total hours as defined in this section less the number of hours worked by subcontractors working under subcontracts valued individually at less than one hundred thousand dollars (\$100,000).
- C. "Resident of the Community Empowerment Zone" (CEZ Resident) means any person who continuously occupies a dwelling within the boundaries of the Community Empowerment Zone, with a present and genuine intent to remain within the boundaries of the Community Empowerment Zone; provided however, that an individual initially certified as a CEZ Resident shall retain such certification status for a period of up to two (2) years or one thousand 1,000 ~~((Labor Hours))~~hours worked from the date of initial certification, whichever is less, and such certification shall be recognized for any City project covered by this chapter for said certification period.
- D. "State-approved apprenticeship program" means an apprenticeship program approved or recognized by the Washington State Apprenticeship and Training Council or similar programs approved by the Washington State Department of Labor and Industries (L&I).
- E. "Total hours" means the total number of hours of worked by all workers receiving an hourly wage who are directly employed on the site of a ~~((city public works))~~City Public Works project including hours performed by workers employed by the contractor and all subcontractors working on the project, but excluding hours worked by foremen, superintendents, owners and workers who are not subject to prevailing wage requirements.

- F. "Veteran" means every person who has received an honorable discharge or received a discharge for medical reasons with an honorable record, where applicable, and who has served in at least one (1) of the following categories:
1. As a member in any branch of the armed forces of the United States, including the national guard and armed forces reserves, and has fulfilled his or her initial military service obligation;
 2. As a member of the women's air forces service pilots;
 3. As a member of the armed forces reserves, national guard, or coast guard, and has been called into federal service by a presidential select reserve call up for at least one hundred eighty (180) cumulative days;
 4. As a civil service crewmember with service aboard a U.S. army transport service or U.S. naval transportation service vessel in oceangoing service from December 7, 1941, through December 31, 1946;
 5. As a member of the Philippine armed forces/scouts during the period of armed conflict from December 7, 1941, through August 15, 1945; or
 6. A United States documented merchant mariner with service aboard an oceangoing vessel operated by the ~~((department of defense))~~ Department of Defense, or its agents, from both June 25, 1950, through July 27, 1953, in Korean territorial waters and from August 5, 1964, through May 7, 1975, in Vietnam territorial waters, and who received a military commendation. (RCW 41.04.007)

Section 07.06.720 Administration of Apprentices Program

- A. On ~~((public works))~~ Public Works construction projects, as defined in RCW 39.04.010, with an estimated cost of six hundred thousand dollars (\$600,000) or more, at least ten (10) percent in 2016 and fifteen (15) percent in years 2017 and beyond, of the labor hours of each project shall be performed by apprentices enrolled in a State-approved apprenticeship program.
- B. Subcontracting Requirements. The utilization percentages for apprenticeship labor for ~~((public works))~~ Public Works construction contracts shall also apply to all subcontracts of one hundred thousand dollars (\$100,000) or more within those contracts, provided there is a state-approved apprenticeship training program for the trade for which a subcontract is issued.
- C. The City Administrator shall implement and administer this article and shall develop and adopt procedures to implement and enforce this Article X of Chapter 07.06 SMC. The City Administrator shall establish and maintain contract specification language to implement the apprenticeship requirement. The City Administrator shall develop and implement a system for monitoring the actual use of apprentices on ~~((public works))~~ Public Works projects.
- D. The City Administrator shall establish a monitoring program to verify compliance with this article and shall report to the ~~((city council))~~ City Council at least twice each year to report on the apprenticeship program.
- E. Each contractor on city ~~((public works))~~ Public Works construction projects to which this article applies shall incorporate the requirements of this article in all subcontracts for the project and shall require each subcontractor to which this chapter applies to execute a form, to be provided by the city, acknowledging that the requirements of this article are applicable to the labor hours for the project.

Section 07.06.730 Waiver or Reduction of Goals

The City Administrator may waive or reduce the apprenticeship participation percentage on ~~((public works))~~ Public Works construction projects with prior written notice to the city council. The notice to the City Council shall describe the facts and circumstances upon which the City Administrator's decision to reduce the apprenticeship participation percentage is based. These factual findings must show that (1) there is a demonstrated lack of ability to obtain apprentices in a specific geographic area or field; (2) a disproportionately high ratio of material costs to labor hours on the particular projects does not make feasible the required minimum level of apprentice participation; (3) the reasonable and necessary requirements of the contract or subcontract render apprentice utilization infeasible at the required levels due to specialized training and safety requirements which ~~((is))~~ are not available through the local available state-approved apprenticeship training programs; or (4) participating contractors or subcontractors cannot meet the utilization requirements despite demonstrated good faith efforts to comply with the requirements of this article.

Section 07.06.750 Incentives for Certain Apprenticeships

It is the policy of the City of Spokane to encourage the utilization of apprenticeships for veterans, women, minorities, and residents of a CEZ (as defined in this Article X) by seeking to attain a goal of ten percent (10%) of apprenticeship labor

hours be performed by members of these demographics. As an incentive to meet this goal, the City may offer credit of 1.1 hours for every hour of work performed by an apprentice covered by this section on ~~((public works))~~Public Works construction projects.

Section 07.06.760 Penalty

- A. All ~~((city public works))~~City Public Works contracts involving this article shall include a provision establishing a penalty equal to thirty percent (30%) of the highest paid craft hourly rate on the ~~((public works))~~Public Works project as determined by prevailing wages for each unmet labor hour to be imposed by the City Administrator on each contractor who violates the provisions of this article.
- B. The specific facts and circumstances and the existence and extent of any good faith efforts to comply shall be considered when determining whether a contractor is subject to debarment under SMC 07.06.610(B).
- C. The City Administrator shall dedicate all revenues derived from penalties imposed for violation of this Article X to grants to pre-apprenticeship programs to assist minorities, women, and residents of CEZs as defined in this Article X.

Section 07.06.770 Appeals

- A. An appeal may be filed with the City's ~~((hearing examiner))~~Hearing Examiner by any contractor or Washington State registered apprenticeship program regarding the City Administrator's decision to waive or reduce the apprenticeship participation percentage or the imposition of penalties pursuant to SMC 7.06.760.
- B. Appeals shall be filed within ten (10) business days of the City Administrator's decision. Appeals shall be processed consistent with SMC 17G.050.310-320.
- C. The ~~((hearing examiner))~~Hearing Examiner shall either affirm or reverse the decision of the City Administrator. If the ~~((hearing examiner))~~Hearing Examiner reverses the City Administrator's decision, the matter shall be remanded to the City Administrator to decide the matter consistent with the ~~((hearing examiner's))~~Hearing Examiner's decision.
- D. An appeal shall not act as a stay to a ~~((public works))~~Public Works construction project. A decision by the ~~((hearing examiner))~~Hearing Examiner regarding the waiver or reduction of the apprenticeship participation percentage shall be only apply prospectively. A decision by the ~~((hearing examiner))~~Hearing Examiner affirming the City Administrator's assessment of penalties may be taken into account when determining the relative severity of the violation in the determination as to whether to debar a contractor under SMC 07.06.610(B).
- E. The ~~((hearing examiner's))~~Hearing Examiner's decision may be appealed to Superior Court.

Section 3. That there is enacted a new section 07.06.155 of the Spokane Municipal Code to read as follows:

Section 07.06.155 Bid Protests

A. Definitions.

1. "Bid Protest" means a written objection by an interested party to a solicitation issued by an agency for bids for a proposed contract for Public Works or a written objection by an interested party to a proposed award or the award of such a contract (31 U.S.C. Section 3551[1]). If the protest does not meet the time or content requirements, the Purchasing Director may reject the protest.
2. "Interested Party" means any party person (a) who is an actual bidder or prospective bidder or offeror whose direct economic interest would be affected by the award of the contract or by the failure to award (31 U.S.C. Section 3551((2))).
3. "Filing of a Bid Protest" – any interested party may file a bid protest on a Public Works project which is the subject of competitive bids on the basis that the City has failed to comply with applicable Federal or State law or with local regulations. Valid bid protests shall be heard by City Council. The protest must be filed in accordance with the timing requirements set forth in this subsection herein, and must include:
 - a. The name, address, telephone numbers of the protestor;
 - b. The number of the specification/contract solicitation;
 - c. All information indicating the protestor is an interested party;

- d. A written statement of the grounds for the protest and in particular the Federal, or State law or local regulation alleged to have been violated. This statement should be accompanied by any relevant support documentation, and a statement regarding the course of action the protestor desires that Purchasing Director take.
 - e. All information establishing the timelines of the protest; and
 - f. The signature of the protestor.
- B. Any bid protest must be filed within five (2) days of bid opening
- C. Upon receipt of a proper filing of a bid protest regarding the award of a contract, the City will not issue a notice to proceed to the contractor until the protest has been resolved, unless the work is necessary to protect the interests of the City.
- D. A decision on a protest will be made as expeditiously as possible after receiving all relevant information. The Purchasing Director reserves the right to proceed with the appropriate action in the procurement process or under the contract in the following cases:
- 1. Where the Public Works project is urgently required;
 - 2. Where the Purchasing Director determines that protest was frivolous; and
 - 3. Where delivery or performance will be unduly delayed or other undue harm will occur, by failure to make the award promptly.
- E. All valid protests will be forwarded to City Council for review and the City shall not execute a contract for the project with anyone other than the protesting bidder without first providing at least two (2) full business days' written notice of the City's intent to execute a contract for the project; provided, that the protesting bidder submits notice in writing of its protest no later than two (2) full business days following bid opening (RCW 39.04.105).
- F. The determination by the City Council on a bid protest is final and may not be appealed.

Passed by City Council March 12, 2018.
Delivered to Mayor March 15, 2018

ORDINANCE NO. C35603

An ordinance terminating the inactive ambassador incentive program; repealing chapter 03.08 of the Spokane Municipal Code.

WHEREAS, the productivity board and employee ambassador incentive program were created by ordinance in 2004; and

WHEREAS, this program has not been used for at least the past five years, and contains outdated references, such as a reference to a deputy mayor (which position does not exist); and

WHEREAS, the City Council periodically cleans up sections of the Spokane Municipal Code which are unused, outdated, or are simply, by longstanding practice, inactive or unneeded.

NOW THEREFORE, the City of Spokane does ordain:

Section 1. That chapter 03.08 ("Ambassador Incentive Program") of the Spokane Municipal Code is hereby repealed in its entirety.

Passed by City Council March 12, 2018.
Delivered to Mayor March 15, 2018

ORDINANCE NO C35604

An ordinance amending Ordinance No. C-35565, passed by the City Council December 11, 2017, and entitled, "An ordinance adopting the Annual Budget of the City of Spokane for 2018, making appropriations to the various funds, departments, and programs of the City of Spokane government for the fiscal year ending December 31, 2018, and providing it shall take effect immediately upon passage", and declaring an emergency.

WHEREAS, subsequent to the adoption of the 2018 budget Ordinance No. C-35565, as above entitled, and which passed the City Council December 11, 2017, it is necessary to make changes in the appropriations of the Street Fund, which changes could not have been anticipated or known at the time of making such budget ordinance; and

WHEREAS, this ordinance has been on file in the City Clerk's Office for five days; - Now, Therefore,

The City of Spokane does ordain:

Section 1. That in the budget of the Street Fund, and the budget annexed thereto with reference to the Street Fund, the following changes be made:

FROM:	1100-21700	Street Fund - Roadway Maint	
	42300-53210	Repair/Maintenance	<u>\$371,410</u>
TO:	1100-21750	Street Fund- Alley Maint	
	42300-05620	Street Maint Oper II (from 0 to 2 Positions)	<u>\$124,820</u>
	1100-21750	Street Fund- Alley Maint	
	42300-05020	Laborer II (from 0 to 2 Positions)	<u>\$111,290</u>
	42300-52110	Social Security	<u>\$ 18,064</u>
	42300-52210	Retirement	<u>\$ 21,252</u>
	42300-52310	Medical	<u>\$ 83,464</u>
	42300-52320	Dental	<u>\$ 5,520</u>
	42300-52330	Life	<u>\$ 856</u>
	42300-52400	Industrial Insurance	<u>\$ 384</u>
	42300-51640	Deferred Comp	<u>\$ 5,760</u>

Section 2. It is, therefore, by the City Council declared that an urgency and emergency exists for making the changes set forth herein, such urgency and emergency arising from the need to budget four positions to support the City's alley maintenance efforts, and because of such need, an urgency and emergency exists for the passage of this ordinance, and also, because the same makes an appropriation, it shall take effect and be in force immediately upon its passage.

Passed by City Council March 12, 2018.

Delivered to Mayor March 15, 2018

Job Opportunities

We are an equal opportunity employer and value diversity within our organization. We do not discriminate on the basis of race, religion, color, national origin, gender identity, sexual orientation, age, marital status, familial status, genetic information, veteran/military status, or disability status.

AMENDMENT

AMENDMENT ATTORNEY ASSISTANT

AMENDMENT

SPN 027

(Announcement of 3/5/2018)

The above titled announcement is hereby amended to read:

CLOSING DATE: 3/25/18 11:59 PM

AMENDMENT

AMENDMENT

AMENDMENT

FIREFIGHTER AND FIREFIGHTER PARAMEDIC – LATERAL ENTRY

SPN 931 (Lateral)

(Announcement of 12/21/2015)

The above titled announcement is hereby amended to read:

CLOSING DATE: 3/25/18 11:59 PM

**FIRE BATTALION CHIEF SPN 940
PROMOTIONAL**

DATE OPEN: Monday, March 19, 2018 **DATE CLOSED:** Sunday, April 1, 2018 at 11:59 p.m.
SALARY: \$119,581.95 annual salary, payable bi-weekly, to a maximum of \$135,883.05

DESCRIPTION:

Performs responsible command and administrative duties in directing the activities of all companies within a designated battalion on an assigned shift.

DUTIES:

- Responds to emergency and non-emergency situations. Assumes command and directs all incident operations unless relieved. Coordinates with other response agencies at the scene. Supervises post incident operations. Acts as Safety Officer or assigns that function at incidents. Follows recognized NIMS (National Incident Management System) procedures. Conducts or assists in the investigation of accidents, injuries and fires, to determine cause and origin.
- Assists in planning, organizing, and administering the activities of the Operations Division. Prepares work schedules. Recommends modification to existing and establishment of new policy/procedures.
- Evaluates reports and initiates changes; provides technical assistance and interprets policy matters. Responsible for on-going review and evaluation of subordinates. Researches and provides data essential to staffing, budgeting and operating their battalion or specialty area.
- Makes regular inspections of assigned stations, personnel, and equipment, maintains records of conditions noted. Instructs company officers, maintains and administers discipline, enforces departmental regulations, and performs numerous related administrative duties, including liaison with other agencies.
- Pre-plans the response tactics of hazardous target areas within their district, and coordinates pre-planning suggested by station officers. Plans, organizes, and coordinates company response districts to insure complete coverage of incidents in normal and unusual situations. Maintains and updates department maps, keeping current all streets, closures, and routes.
- Manages assigned specialized functions within the operations division including but not limited to: Haz Mat, Tech Rescue, Water Rescue, SCBA maintenance, Fire Safety House, etc.
- Performs related work as required.

MINIMUM QUALIFICATIONS:

Promotional Requirements: (Must be met by the first examination date on April 30, 2018)

PLEASE NOTE: The below listed requirements are in accordance with the May 12, 2015, memorandum of understanding between the City of Spokane and SAFO.

- Higher Education: Completion of 30 quarter or 20 semester credit hours from a nationally accredited college or university in subjects with a demonstrated relationship to the knowledge, skills and abilities required in the Battalion Chief classification. (These include but are not limited to Fire Command, Fire Administration, Para-Medicine and/or Business/Public Administration.)
- Fire-Specific Education: Completion of a 6-10 day National Fire Academy Command and Control course (CCIO, CCMA, CCTH, CCHO). Completion of the Hazmat IC course. Completion of L380 or L381 courses. Completion of ICS 300. Completion of ICS 400.
- Captain Experience: Completion of two years of service with the City in the classification of Fire Captain (SPN 938).
- Mentoring Assignment: Completion of a three-month mentoring assignment.
- Licenses: Possession of a valid driver's license.

Procedural Note

Per the MOU, additional candidates may be accepted to the examination if a minimum number of applicants are not qualified in accordance with the requirements above.

REQUIRED ADDITIONAL DOCUMENTS: Must be received in our office by the closing date, preferably attached to application.

- Copy of unofficial college transcripts, including name of institution, applicant name, courses/credits taken, and GPA. – if applicable.

EXAMINATION DETAILS:

Applicants must meet the minimum qualifications and pass the examination for these positions to be eligible for hire. The examination will consist of a multiple-choice test, assessment center, and promotional evaluation, with weights assigned as follows:

- Multiple-choice test 15%
- Assessment center 70%
- Promotional Evaluation 15%

Upon request, at time of application, the City will provide alternative accessible tests to individuals with disabilities that impair manual, sensory or speaking skills needed to take the test, unless the test is intended to measure those skills.

MULTIPLE-CHOICE TEST DETAILS:

The multiple-choice test will be conducted in the Civil Service Test Room (4th floor, City Hall) on Monday, April 30, 2018, at 9:00 a.m. The approximate duration of the test is 2 hours.

The test will include subjects as outlined in the 2018 Bibliography.

ASSESSMENT CENTER DETAILS:

The assessment center will consist of the following three exercises and weights:

- Incident Command: 30%
- Roleplay: 20%
- Oral Board: 20%

All other assessment center exercises will be conducted at the Fire Training Center. These exercises will be held on Wednesday, May 2, 2018, unless more than 6 candidates apply. Candidates will be notified when and where to appear.

TO APPLY:

An application is required for promotional applicants. Applications must be completed online at: <http://my.spokanecity.org/jobs> by 11:59 p.m. on the filing cut-off date. Copies of required additional documents may be attached to your application or submitted via any of the following:

- Email: civilservice@spokanecity.org with Job Title – Applicant Name in the subject line of the email
- In person or mail to: Civil Service Commission, 4th Floor-City Hall, 808 W. Spokane Falls Blvd., Spokane, WA 99201
- Fax: (509) 625-6077

By order of the SPOKANE CIVIL SERVICE COMMISSION, dated at Spokane, Washington, this 15th day of March 2018.

MARK LINDSEY
Chair

JERRI BJORK
Acting Chief Examiner

Notice for Bids

Paving, Sidewalks, Sewer, etc.

CALL FOR BIDS

Residential Chip Seal Program 2018

Engineering Services File No. 2018043

This project consists of the construction of approximately **99,900** square yards of chip seal, **140,000** linear feet of crack sealing, **2,000** square yards of 4-inch pavement repair, and other related miscellaneous items.

The City of Spokane Purchasing Department, Fourth floor, City Hall, 808 West Spokane Falls Boulevard, Spokane WA 99201-3316, will receive sealed bids until 1:00 p.m., March 26, 2018 for the above project located in Spokane, Washington, in accordance with the Contract Documents on file at the Department, Engineering Services. The bids will be publicly opened and read at 1:15 p.m. in the City Council Chambers.

Copies of the Contract Documents are available at www.cityofspokaneplans.com. The Planholders list is also available at this website. Additional project information including the Engineer's estimated cost range for the project, bid

results (after bid opening), as well as information about other City projects are available by following the appropriate links at the following website: www.spokaneengineering.org/bid-information.

The City of Spokane, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulation, Department of Transportation, subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises as defined at 49 CFR Part 26 will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color or national origin, or sex in consideration for an award.

Bids shall be submitted on the forms provided in accordance with the provisions of the Specifications. Irregular bid proposals will be rejected in accordance with the specifications.

Cash, cashier's check, a certified check or surety bond in the sum of five percent (5%) of the Total Project Bid must accompany the copy of the bid filed with the City Clerk. Successful bidder shall execute the Contract within TEN (10) calendar days after receiving the Contract. Should the successful bidder fail to enter into such contract and furnish satisfactory performance bond within the time stated herein, the bid proposal deposit shall be forfeited to the City of Spokane.

The City of Spokane will normally award this Contract or reject bids within FORTY FIVE (45) calendar days after the time set for the bid opening. If the lowest responsible Bidder and the City of Spokane agree, this deadline may be extended. If they cannot agree on an extension by the 45-calendar day deadline, the City of Spokane reserves the right to Award the Contract to the next lowest responsible Bidder or reject all Bids.

In accordance with SMC 7.06.500 and RCW 39.04.350(1), the low bidder shall complete the Supplemental Bidder Responsibility Criteria form located in Appendix C. Failure to promptly submit the form including supporting documentation if required may delay award of the Contract.

Publish: March 7, 14 and 21, 2018

Notice for Bids

Supplies, Equipment, Maintenance, etc.

WATERWORKS CAST IRON PRODUCTS Water & Hydroelectric Services BID #4437-18

Sealed bids will be opened at 1:15 p.m., **MONDAY, MARCH 26, 2018** in the Council Chambers, 808 West Spokane Falls Boulevard, Spokane, Washington 99201, for **WATERWORKS CAST IRON PRODUCTS** for Water & Hydroelectric Services Department.

Detailed specifications and proposal forms are posted on the City of Spokane Webpage at:
<https://my.spokanecity.org/administrative/purchasing/current-projects/>

Submittal Instructions:

Bid proposal forms may be submitted to the Purchasing Department **until 1:00 PM on the date of opening**. Proposals must be sent sufficiently ahead of time to be received by the opening date and time. City of Spokane is not responsible for proposals delivered late.

Submit one (1) original copy of response to:

**Division of Purchasing
City of Spokane
4th Floor – City Hall
808 W. Spokane Falls Blvd.
Spokane WA 99201**

The right is reserved to reject any and all proposals and to waive any informalities in the bidding. Special attention will be directed to the qualifications of the proposer when considering this contract. **Only firm proposals with signatures will be tabulated.**

Envelopes containing proposals are to be marked:

“WATERWORKS CAST IRON PRODUCTS, BID #4437-18, DUE 3/26/18”.

Thea Prince
Purchasing Department

Publish: March 14 & 21, 2018

**REQUEST FOR PROPOSALS
RIGHT OF WAY ACQUISITION AND RELOCATION SERVICES FOR FEDERALLY FUNDED PROJECTS
City of Spokane Asset Management Department
RFP #4440-18**

Sealed Proposals will be acknowledged at the 1:15 p.m. public bid opening on **MONDAY, APRIL 2, 2018**, in the Council Chambers, 808 West Spokane Falls Boulevard, Spokane, Washington 99201, for **RIGHT OF WAY ACQUISITION AND RELOCATION SERVICES FOR FEDERALLY FUNDED PROJECTS** for the City of Spokane Asset Management Department.

Detailed specifications and proposal forms are available for download on the City of Spokane Purchasing Webpage: <https://my.spokanecity.org/administrative/purchasing/current-projects/>

It is the responsibility of Proposers to check the Purchasing Webpage above for Addenda or other additional information that may be posted regarding this Request for Proposals.

Proposal documents should be submitted to City of Spokane Purchasing **no later than 1:00 p.m. on Monday, April 2, 2018**. Proposals must be sent sufficiently ahead of time to be received by the required date and time. The City of Spokane is not responsible for Proposals delivered late. **Only firm Proposals with signatures will be evaluated.**

Submit one (1) paper original, one (1) paper copy, and one (1) reproducible digital copy (CD or thumb drive) of the Proposal to:

**City of Spokane - Purchasing
4th Floor – City Hall
808 W. Spokane Falls Blvd.
Spokane, Washington 99201**

The right is reserved to reject any and all Proposals and to waive any informalities in the bidding. Special attention will be directed to the qualifications of the Proposer when considering this contract.

All response packages are to be clearly marked with:

“RFP #4440-18, RIGHT OF WAY ACQUISITION AND RELOCATION SERVICES FOR FEDERALLY FUNDED PROJECTS, DUE 4/2/2018”

Connie Wahl, C.P.M., CPPB
City of Spokane Purchasing

Publish: March 21 & 28, 2018

**REQUEST FOR PROPOSALS
INTERMODAL OFF-STREET PARKING LOT MANAGEMENT
City of Spokane Asset Management Department
RFP #4451-18**

Sealed Proposals will be acknowledged at the 1:15 p.m. public bid opening on **MONDAY, APRIL 2, 2018**, in the Council Chambers, 808 West Spokane Falls Boulevard, Spokane, Washington 99201, for **INTERMODAL OFF-STREET PARKING LOT MANAGEMENT** for the City of Spokane Asset Management Department.

Detailed specifications and proposal forms are available for download on the City of Spokane Purchasing Webpage: <https://my.spokanecity.org/administrative/purchasing/current-projects/>

It is the responsibility of Proposers to check the Purchasing Webpage above for Addenda or other additional information that may be posted regarding this Request for Proposals.

Proposal documents should be submitted to City of Spokane Purchasing **no later than 1:00 p.m. on Monday, April 2, 2018**. Proposals must be sent sufficiently ahead of time to be received by the required date and time. The City of Spokane is not responsible for Proposals delivered late. **Only firm Proposals with signatures will be evaluated.**

Submit one (1) paper original, one (1) paper copy, and one (1) reproducible digital copy (CD or thumb drive) of the Proposal to:

**City of Spokane - Purchasing
4th Floor – City Hall
808 W. Spokane Falls Blvd.
Spokane, Washington 99201**

The right is reserved to reject any and all Proposals and to waive any informalities in the bidding. Special attention will be directed to the qualifications of the Proposer when considering this contract.

All response packages are to be clearly marked with:

“RFP #4451-18, INTERMODAL OFF-STREET PARKING LOT MANAGEMENT, DUE 4/2/2018”

Connie Wahl, C.P.M., CPPB
City of Spokane Purchasing

Publish: March 21 & 28, 2018

**MISCELLANEOUS STOCK STEEL (RE-BID)
City of Spokane Departments
BID #4453-18**

Sealed bids will be opened at 1:15 p.m., **MONDAY, APRIL 2, 2018**, in the Council Chambers, 808 West Spokane Falls Boulevard, for **MISCELLANEOUS STOCK STEEL** for City of Spokane Departments.

Detailed specifications and proposal forms are posted on the City of Spokane Webpage at: <https://my.spokanecity.org/administrative/purchasing/current-projects/>

Bid proposal forms must be submitted to City Purchasing **no later than 1:00 p.m. on the date of opening**. Proposals must be sent sufficiently ahead of time to be received by the opening date and time. City of Spokane is not responsible for proposals delivered late.

Submit bid response as follows:

One (1) original and one (1) copy to:

**Purchasing
City of Spokane
4th Floor – City Hall
808 W. Spokane Falls Blvd.
Spokane WA 99201-3316**

The right is reserved to reject any and all proposals and to waive any informalities in the bidding. Special attention will be directed to the qualifications of the proposer when considering this contract. **Only firm proposals with signatures will be tabulated.**

Envelopes containing proposals are to be marked: **“MISCELLANEOUS STOCK STEEL, BID #4453-18, DUE 4/2/18”**.

Thea Prince
Purchasing Division

Publish: March 21 & 28, 2018

FOUNTAIN CAFÉ TENANT IMPROVEMENTS
Parks & Recreation Department
SW BID #62-18

Sealed bids will be opened at 1:15 p.m., **MONDAY, APRIL 9, 2018** in the Council Chambers, 808 West Spokane Falls Boulevard, Spokane, Washington 99201, for **FOUNTAIN CAFÉ TENANT IMPROVEMENTS** for the Parks & Recreation Department.

PRE-BID CONFERENCE. A pre-bid conference will be held on Monday, March 26, 2018 at 1:00 p.m. The location will be City Hall Conference Room 5A, 808 W Spokane Falls Blvd., Spokane, WA 5th Floor – to be followed by a site walk.

Detailed specifications and proposal forms are posted on the City of Spokane Webpage at <https://my.spokanecity.org/administrative/purchasing/current-projects/>

Submittal Instructions:

Bid proposal forms may be submitted to the Purchasing Department **until 1:00 PM on the date of opening**. Proposals must be sent sufficiently ahead of time to be received by the opening date and time. City of Spokane is not responsible for proposals delivered late.

Submit one (1) original copy of response to:

**Division of Purchasing
City of Spokane
4th Floor – City Hall
808 W. Spokane Falls Blvd.
Spokane WA 99201**

The right is reserved to reject any and all proposals and to waive any informalities in the bidding. Special attention will be directed to the qualifications of the proposer when considering this contract. **Only firm proposals with signatures will be tabulated.**

Envelopes containing proposals are to be marked:

“FOUNTAIN CAFÉ TENANT IMPROVEMENTS, SW BID #62-18, DUE 4/9/18”.

Thea Prince
Purchasing Department

Publish: March 14 & 21, 2018
