

# AGENDA REQUEST FORM

**Return completed form and complete agenda item to the Clerk of the Board  
Yakima County Commissioners' Office, Room 232**

Prepared by:  
Teresa Ishizaka  
\_\_\_\_\_

Department: Public Services, County Road, Facilities

Requested Agenda Date: 06/14/2022

Presenting: Lisa Freund  
\_\_\_\_\_

Document Title:

*Board of County Commissioners Record Assigned*

# 160-2022

**APPROVED FOR AGENDA:**

Consent       Regular

Board of County Commissioners Determined

In the Matter of Amending Policies Providing Exemptions from Competitive Bidding.

Action Requested: *Check Applicable Box*

PASS RESOLUTION       EXECUTE or AMEND **AGREEMENT** CONTRACT or GRANT  
 ISSUE PROCLAMATION     PASS ORDINANCE     OTHER \_\_\_\_\_

Describe Fiscal Impact:

N/A

Background Information:


Pursuant to RCW 39.04.020 and RCW 39.04.280, authorized Directors may declare an emergency exists in order to immediately repair or restore essential County facilities, utilities or infrastructure due to unforeseen circumstances. This resolution allows the Directors of Public Services, Yakima County Engineer and Yakima County Facilities Director to declare that an emergency situation exists, waive the competitive requirements, and award all necessary contracts on behalf of Yakima County to address the emergency.

Summary & Recommendation:

The Directors of Public Services, Yakima County Engineer and Yakima County Facilities Director recommends the Commissioners consideration to approve Resolution to amend the policies to provide exemptions from competitive bidding.

Motion:

Department Head/ Elected Official

  
\_\_\_\_\_  
Signature

**AGREEMENT** Attached Is Approved as to Form  
Corporate Counsel Initial \_\_\_\_\_

Late Agenda Requests Require BOCC Chairman Signature:  
\_\_\_\_\_

# BOARD OF YAKIMA COUNTY COMMISSIONERS RESOLUTION

## IN THE MATTER OF AMENDING POLICIES PROVIDING EXEMPTIONS FROM COMPETITIVE BIDDING

160 - 2022

**WHEREAS**, Laws of Washington 1998, Chapter 278, authorize counties to waive competitive bidding requirements in certain situations by resolution or by the terms of written policy; **and**,

**WHEREAS**, RCW 36.32.245, 36.32.250, 39.04.155 and 39.04.190 authorize counties to waive competitive bidding requirements in certain circumstances; **and**,

**WHEREAS**, the Board of Yakima County Commissioners, by Resolution 435-1998, Resolution 328-2006 and Resolution 213-2020, adopted polices providing exemptions from competitive bidding; **and**,

**WHEREAS**, the Board of Yakima County Commissioners deems it to be in the best interest of the County to amend the policies set forth in Resolution 435-1998, Resolution 328-2006 and Resolution 213-2020 for waiving competitive bidding requirements when legally authorized; **now, therefore**,

**BE IT HEREBY RESOLVED** by the Board of Yakima County Commissioners that the following policy supersedes Resolution 435-1998, Resolution 328-2006 and Resolution 213-2020 and is adopted authorizing purchases without advertising and sealed bids and/or without competitive bidding.

Section 1. **Sole source – special facilities or market conditions – emergency purchases – insurance.** Yakima County is hereby authorized to award contracts exempt from competitive bidding requirements in the following circumstances:

- (a) **Sole source.** Competitive bidding requirements may be waived by resolution of the Board of Yakima County Commissioners for purchases when the office or department requesting the waiver demonstrates to the satisfaction of the Board of Yakima County Commissioners that the supplies, materials, or equipment to be purchased (a) are an integral part of an existing system which is already owned or operated by Yakima County and, due to the nature of the system and the supplies, materials or equipment to be purchased, the products of a sole vendor are clearly superior to any other products available; (b) are only available from one vendor; (c) were the subject of a competitive process as required by law but no responsive bids were received or (d) are otherwise clearly and legitimately limited to a single source of supply. For purposes of this section, “responsive bid” means a bid which met the specifications of the invitation to bid and was timely received.
- (b) **Special facilities or market conditions.** Competitive bidding requirements may be waived by resolution of the Board of Yakima County Commissioners for purchases involving special facilities or market conditions by resolution of the Board of Yakima County Commissioners which recites the factual basis for the exception.

# BOARD OF YAKIMA COUNTY COMMISSIONERS

## RESOLUTION

- (c) **Purchases in the event of an emergency.** Pursuant to RCW 39.04.020 and RCW 39.04.280, authorized Directors may declare an emergency exists in order to immediately repair or restore essential County facilities, utilities or infrastructure due to unforeseen circumstances. The Yakima County Director of Public Services, Yakima County Engineer, and Yakima County Facilities Director are hereby authorized to declare that an emergency situation exists, waive the competitive requirements, and award all necessary contracts on behalf of Yakima County to address the emergency. The Authorized Director shall prepare for the Board of Yakima County Commissioners a resolution finding the existence of the emergency and present it to the Board of Yakima County Commissioners for adoption no later than two weeks following the award of any such contract. For purposes of this section, “emergency” means unforeseen circumstances beyond the control of Yakima County that either present a real, immediate threat to the proper performance of essential functions or will likely result in material loss or damage to public or private property, bodily injury, or loss of life if immediate action is not taken. Unforeseen circumstances could include, but are not limited to, a result of a natural disaster, such as flooding, landslide or snowstorm; it may also include unanticipated failure such as a pipe break.
- (d) **Insurance.** Purchase of insurance or bonds are exempt from competitive bidding.

Section 2. **Small Works rosters and vendor lists authorized.** Small works rosters and vendor lists established according to the procedures set out in RCW 39.04, as amended, are hereby authorized in lieu of the requirements for formal sealed bidding.

Section 3. **Public Works contracts less than ten thousand dollars.** Yakima County is hereby authorized pursuant to RCW 36.32.250 to enter into contracts for public works involving less than ten thousand dollars (or such other sum as the applicable statute may provide) without advertising and competitive bidding. An estimate or quotation from at least one contractor from the appropriate small works roster shall be obtained.

Section 4. **Purchases of materials, equipment, or supplies less than two thousand five hundred dollars.** Yakima County is hereby authorized pursuant to RCW 36.32.245 to enter into contracts of less than two thousand five hundred dollars (or such other sum as the applicable statutes may provide) for the purchase of materials, equipment, or supplies without advertising and competitive bidding.

Section 5. **Records.** Immediately after the award of any contract pursuant to this policy, the contract and factual basis for the exception must be recorded with Yakima County Financial Services department and shall be open to public inspection.

**BE IT FURTHER RESOLVED** that this resolution shall become effective immediately.

**BOARD OF YAKIMA COUNTY COMMISSIONERS  
RESOLUTION**

**DONE JUN 14 2022**

*Attest:*

\_\_\_\_\_  
Julie Lawrence, Clerk of the Board  
Erin Franklin, Deputy Clerk of the Board

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Amanda McKinney, Chair

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LaDon Linde, Commissioner

\_\_\_\_\_  
Ron Anderson, Commissioner  
*Constituting the Board of County Commissioners  
for Yakima County, Washington*