

**Chapter 2.84**  
**PROCUREMENT**

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Facility Solutions additions **highlighted**

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**2.84.010 Purpose**

The purpose of this chapter is to protect and advance the public interest by promoting fairness and objectivity in the city's procurement process, thus ensuring reasonable costs for goods and services.

Per RCW [35A.11.010](#), the authority to enter into contracts and be contracted with, vests with the city council but the council desires to delegate certain procurement authority to the mayor to ensure the timely and orderly management of city affairs while retaining authority to approve major expenditures, thus ensuring transparency and accountability to the citizens. (Ord. 1922, 2022).

The city recognizes that the products and services it purchases have inherent social, human health, environmental, and economic impacts throughout their life cycle. By leveraging its purchasing power, the city can reduce adverse impacts and promote positive change within markets and communities, contributing to overall sustainable development.<sup>1</sup> The city also acknowledges its need to be resilient in the face of the changing climate. It is intended that these Guidelines be shared with the entire design and construction team and they incorporate these standards in their drawings and specifications.

In the procurement of building materials for public works projects, preference will be given to sustainable materials. These materials include those that are locally sourced, energy-efficient, recyclable, have low environmental impact, as well as possess Environmental Product Declarations (EPDs) and Health Product Declarations (HPDs).

#### **2.84.020 Applicability**

This chapter applies to the purchase of goods, materials, supplies, equipment, professional services, consultant services, and public works as defined in this chapter and in the Revised Code of Washington (RCW). (Ord. 1922, 2022).

#### **2.84.030 Definitions**

“Consultant services” shall mean firms or individuals hired to provide advice, recommendations, reports, analysis, evaluations, audits, surveys, or other expert services.

“Contract” means any agreement, written or spoken, between the city and any party that is intended to be enforceable by law and includes, but not limited to, public works agreements, personal service agreements, grant agreements, agreements pursuant to the Interlocal Cooperation Act, and leases of real property.

“Embodied carbon” refers to greenhouse gas emissions arising from the raw extraction, manufacturing, transportation, installation, maintenance, and disposal of construction materials used in the built environment. As buildings become more energy efficient (and operational carbon decreases), attention to reducing embodied carbon should grow. In 2019, embodied carbon was approximately 17% of the global greenhouse gas emissions.<sup>2</sup>

“Environmental Product Declaration (EPD)” is a document that provides comprehensive details about a product’s environmental impact throughout its life cycle (from raw material extraction to end-of-life) using the results of its Life Cycle Assessment (LCA).<sup>3</sup>

“Formal bids” means written and published request for proposals (RFP) where quantity, quality, and prices are formally requested. Formal bids shall normally have a due date for submittals together with other technical data requested.

“Global Warming Potential (GWP)” is a measure of how much energy the emissions of 1 ton of a gas will absorb over a given period of time (usually 100 years), relative to the emissions of 1 ton of carbon dioxide (CO<sub>2</sub>). The larger the GWP, the more that a given gas warms the Earth compared to CO<sub>2</sub> over that time period. A lower GWP is better.<sup>4</sup>

“Goods” means products, materials, supplies, or equipment procured in a sufficient dollar amount to trigger the use of price quotes, bids, or use of a vendor roster.

“Greenhouse gases (GHGs)” are gases that absorb and trap heat energy emitted from the planet’s surface and remain in the Earth’s atmosphere for a long time (from decades to centuries). These gases are responsible for causing global warming and climate change. The major GHGs are carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>) and nitrous oxide (N<sub>2</sub>O). Less prevalent,

but higher intensity, greenhouse gases are hydrofluorocarbons (HFCs), perfluorocarbons (PFCs) and sulphur hexafluoride (SF<sub>6</sub>).<sup>5</sup>

“Gross cost” means the total cost to acquire a good or service, including but not limited to labor, equipment, materials, overhead, profit, bonding, insurance, taxes, license fees, and transportation costs.

“Health product declaration (HPD)” is a standardized report disclosing the content, compositional chemistry, and associated health information of a product.<sup>6</sup>

“Life cycle” refers to the consecutive and interlinked stages of a goods or services system, from “cradle to grave,” e.g., from resource generation, raw material acquisition, and manufacturing, through production, use, and final disposal. The environmental, social, and economic impacts are observed in each of these stages.<sup>7</sup>

“Ordinary maintenance” means work performed by city employees that is done regularly to inspect, service, or replace items to maintain the service life of the asset.

“Price quotes” means obtaining prices from vendors through phone calls, emails, or written requests. Price quotes should be documented and presented together with the preferred vendor selection.

“Professional services” shall mean architectural, landscape architectural, land surveying, and engineering services as defined in chapter [39.80](#) RCW.

“Public work” means all work, construction, alteration, repair, other than ordinary maintenance, for which by law a lien or charge can be levied against property as defined in RCW [39.04.010](#).

“Purchased services” mean a firm or individual hired by the city to provide services in the form of physical labor which is not subject to direct city supervision and whose labor is not considered a public work.

“Red List” is a list provided by the International Living Future Institute’s Living Building Challenge that identifies the “worst in class” materials, chemicals, and elements known to pose serious risks to human health and the greater ecosystem that are prevalent in the building products industry.<sup>8</sup>

“RFP” means requests for proposal and shall be used to solicit pricing for goods, supplies, and equipment.

“RFQ” means requests for qualifications and shall be used to solicit professional services for which price is not a qualifying factor.

“Roster” shall mean a vendor roster, professional service roster, or a consultant roster having a formal listing of qualified individuals or firms amassed by Municipal Research and Service Center, another federal or state agency, or the city of Burlington itself. (Ord. 1922, 2022).

“Substances of (Very) High Concern (SVHC, SHC)” are substances that may have serious and often irreversible effects on human health and the environment. SVHCs/SHCs are typically defined as those that have one or more of the following attributes:

- Persistent, Bioaccumulative and Toxic (PBT),
- very “Persistent and very Bioaccumulative (vPvB),
- very Persistent and Toxic (vPT),
- very Bioaccumulative and Toxic (vBT), or
- known or likely to be carcinogenic, mutagenic, reproductive or developmental toxicant, neurotoxicant or endocrine disrupting.<sup>9</sup>

“Sustainability” is the state of the global system, including environmental, social, and economic aspects, in which the needs of the present are met without compromising the ability of future generation to meet their own needs.<sup>10</sup>

“Sustainable Procurement” refers to procurement that has the greatest positive environmental, social, and economic impacts possible over the entire life cycle. Sustainable procurement involves the sustainability aspects related to the goods, services, and suppliers along the supply chains. Sustainable procurement contributes to the achievement of organizational sustainability objectives and to overall sustainable development.<sup>11</sup>

“Sustainably Sourced Wood” is wood that is Forest Stewardship Council (FSC) certified, recycled, salvaged, or from an ecological restoration forestry project. Ecological restoration forestry refers to management activities that contribute to the recovery of ecosystems that have been degraded, damaged, or destroyed. Some examples of ecological restoration in forests are:

- Harvesting small patches of trees to create compositional and spatial heterogeneity in uniform, single species plantations that developed after harvest of old-growth forests.
- Thinning forests that have become overgrown because of fire suppression.<sup>12</sup>

#### **2.84.040 Use of rosters**

The city utilizes the Municipal Research and Service Center (MRSC) for its vendor roster, consultant roster, and small works roster. The city is also authorized to maintain its own roster or to utilize another agency’s roster. (Ord. 1922, 2022).

#### **2.84.050 Procedures**

The city administrator is authorized to establish procedures to implement this chapter including but not limited to standard price quote forms, bid tabulation sheets, retainage withholding calculation spreadsheets, and other documents to enable the procurement contemplated in this code. (Ord. 1922, 2022).

#### **2.84.060 Designees**

Any reference to the mayor, city administrator, city attorney or finance director includes their respective designees who have been authorized to act on their behalf. (Ord. 1922, 2022).

#### **2.84.070 Procurement of goods, supplies, materials, and equipment**

The city shall follow the greater of the specific procurement thresholds established by RCW [35A.40.210](#) as now established or henceforth amended or as set forth below:

Purchases with gross costs up to \$7,500 – Secure three price quotes if possible.

Purchases with gross costs greater than \$7,500 up to \$15,000 – Formal bids or use of vendor roster.

Purchases with gross costs greater than \$15,000 – Formal bids. (Ord. 1922, 2022).

#### **2.84.071 Sustainable Procurement Guiding Principles**

1. Conserve Resources. Emphasize reuse. Purchase only necessary items and recognize the finite nature of natural resources.
2. Evaluate Holistically. Consider environmental, social, and economic aspects when assessing options. Identify hidden costs to people and the planet that are not reflected in the price.
3. Adopt a Life Cycle Perspective. Acknowledge the impacts of purchases over their entire life cycle. Evaluate long-term costs to people, the planet, and the city.<sup>13</sup>
4. Ensure Health and Safety. Exercise caution and avoid toxins that can contaminate air, water, soil, and materials, posing risks to people and animals.<sup>14</sup>
5. Promote Innovation. Increase demand for and support market capacity for sustainable solutions, driving positive change and improving existing practices.

#### **2.84.072 Sustainable Procurement Prioritization**

Based on the Sustainable Building and Development Guidelines and the city's sustainability goals, the City shall prioritize sustainable procurement practices that:

1. Reduce Greenhouse Gases (GHGs). Implement strategies to minimize operational GHG emissions.
2. Avoid High Global Warming Potential (GWP) Hydrofluorocarbons (HCFs). Refrain from using HCF refrigerants with a high GWP when purchasing new energy-efficient refrigeration and air

conditioning equipment. Refer to the [Procurement Recommendations for Climate Friendly Refrigerants](#)<sup>15</sup> to help select affordable, energy-efficient heating and cooling equipment that uses next-generation refrigerants.

3. Conserve Energy and Water. Invest in energy efficient products, services and technologies that result in simple paybacks of ten years or less. Invest in on-site renewable energy technologies at applicable City-owned facilities. Implement water-saving measures by choosing products and services that minimize water usage and promote water recycling. Adopt energy conservation measures such as energy-efficient lighting, and heating and cooling systems.<sup>16</sup>

4. Reduce Exposure to Hazardous Substances. Seek out and utilize processes, technologies, services, and products that reduce exposure of Substances of (Very) High Concern (SVHCs/SHCs) and Red List chemicals. The SVHC comprehensive list can be found on the official [European Chemicals Agency \(ECHA\)](#) website.<sup>17</sup>The Red List can be found on the [Living Building Challenge](#) website.<sup>18</sup>

5. Request Environmental and Health Product Declarations. Request Environmental Product Declarations (EPDs) and Health Product Declarations (HPDs) from manufacturers. Prioritization of requesting EPDs is in preparation for potential future building embodied carbon reduction requirements, per Washington State House Bill 1458 (2025).

6. Utilize Sustainably Sourced Materials. Prioritize locally manufactured materials. Specify and utilize sustainably sourced wood to support responsible forestry practices. Per [Burlington Sustainable Building and Development Guidelines](#) (Section 6):<sup>19</sup>

Ensure that at least 15% of a project's construction materials (based on value) are comprised of refurbished/reused or recycled content.

Ensure that at least 15% of a project's construction materials are comprised of materials with locally manufactured content.

Where wood-based materials are used, utilize a minimum of 25% that are certified in accordance with the [Forest Stewardship Council's principles](#) and criteria for wood building components.<sup>20</sup>

7. Reduce Embodied Carbon. Reuse existing buildings. For renovations and new construction projects, prioritize materials with lower embodied carbon by leveraging EPDs, establishing a baseline for reduction (consider conducting a whole building LCAs), and other strategies such as pg. 62-63 of "Recommendations for Washington State Embodied Carbon Code Language" (November 2024)<sup>21</sup>, as well as the anticipated guidelines in State House Bill 1458.

8. Support Ethical Practices. Ensure safe and fair labor practices and uphold ethical behavior throughout the supply chain.

All new construction projects should also strive to achieve a LEED Gold equivalency. While formal certification is not required, striving to achieve LEED prerequisites and credits encourages use of the U.S.'s largest industry-accepted green building framework, while minimizing environmental impact, and creating a more desirable place for occupants and visitors.

#### **2.84.080 Procurement of professional services, consultant services, and purchased services**

The city shall follow the greater of the specific procurement thresholds established by RCW 35A.40.210 as now established or henceforth amended or as set forth below:

Professional services with gross costs up to \$300,000 – Use of professional services roster.

Professional services with gross costs greater than \$300,000 – Formal bids.

All formal bids for construction and renovation projects over \$300,000 must include an one-page assessment of the environmental impact of materials and methods used, prioritizing sustainable alternatives where feasible.

Consultant services with gross costs less than \$30,000 – Secure three price quotes if possible.

Consultant services with a gross cost of more than \$30,000 – Issuance of RFP or use of consultant roster.

Purchased services with gross costs less than \$30,000 – Secure three price quotes if possible.

Purchased services with a gross cost of more than \$30,000 – Issuance of RFP. (Ord. 1922, 2022).

#### **2.84.090 Limited public works**

The city shall follow the greater of the specific procurement thresholds established by RCW 39.04.010 and 39.04.155(3) as now established or henceforth amended or as set forth below:

Limited public work estimated to cost less than \$35,000 – Use of small work roster. (Ord. 1922, 2022).

#### **2.84.100 Completion of public works**

The city shall follow the greater of the specific procurement thresholds established by RCW 35.23.352 as now established or henceforth amended or as set forth below:

Public works with gross costs up to \$300,000 – Use of professional/consultant/purchased services roster.

Public works with gross costs greater than \$300,000 – Formal bids. (Ord. 1922, 2022).

**2.84.110 Approval of procurement by the mayor**

A. The mayor is authorized to approve purchases and contracts that meet all of the following criteria:

1. The gross cost of the purchase and/or contract is less than \$50,000.
2. The estimated purchase or contract amount was included in the approved annual budget for the particular fund.
3. The contract is made and/or the vendor has been selected consistent with the procurement requirements of this chapter.
4. The contract has been reviewed and approved by the city attorney.
5. The finance director has certified that funds are available for the procurement.

B. The mayor is further authorized to approve modifications to contracts or other procurements that meet all of the following criteria:

1. For procurements less than \$50,000, the modification results in the gross cost being no more than \$50,000.
2. For procurements with a gross cost over \$50,000 and up to \$100,000, the modification is less than \$10,000.
3. For procurements with a gross cost of over \$100,000, the modification is less than 110 percent of the original contract amount but in no case more than \$50,000 more than the original cost. Any procurement contract modifications within this classification shall be reported to the city council by the mayor, city administrator, or public works director at the next council meeting. (Ord. 1922, 2022).

**2.84.120 Approval of procurement by city council**

The city council is authorized to approve all purchases and contracts that meet the following criteria:

- A. Any procurement or modification that the mayor is not authorized to approve.
- B. Any contract that includes the conveyance of a real property interest to or from the city or a lease to which the city is a party. (Ord. 1922, 2022).

**2.84.130 Exceptions to bidding requirements**

Per RCW, the following items are exempted from the foregoing bidding requirements as they have separate requirements: federal grants; piggybacking on another government's bid; cooperative purchasing through an interlocal agreement; sole source brand names; sole source single bid, RCW [39.04.280\(1\)](#); special market conditions, RCW [39.04.280](#); emergencies, RCW [39.04.280](#); purchase of insurance or bonds; purchases at auctions; RCW [39.30.045](#);

purchases from another local government; pollution control facilities; computer equipment; software/services; contract with community service organizations, RCW [35.21.278](#); and county or state road projects, RCW [35.77.020](#). (Ord. 1922, 2022). In cases where emergency procurement is necessary, the city will strive to select sustainable materials that meet emergency requirements while minimizing environmental impact.

#### **2.84.140 Annual/routine procurement and authorization to bid**

Goods, supplies, materials, equipment, services, public works and other procurements that occur on a routine or annual basis for which budget authority is included within the annual adopted budget may be bid without specific prior authorization by the council. Any of these procurements whose dollar amount is greater than \$50,000 shall be formally approved by the council. (Ord. 1922, 2022).

#### **2.84.150 Capital improvement plan (CIP) procurement and prior authorization to bid**

Procurement of items included within the annual CIP shall require specific authorization to bid by the council prior to solicitation of bids and shall require approval of bids prior to procurement. (Ord. 1922, 2022). The procurement of materials and services for capital improvement projects shall incorporate sustainable practices, including the use of energy-efficient and low-emission building materials, in alignment with the city's sustainability goals.

#### **Citations**

<sup>1</sup> *City of Portland Sustainable Procurement ...*, [www.portland.gov/procurement/sustainable-procurement-program/documents/adm-109-sustainable-procurement-policy-full/download](http://www.portland.gov/procurement/sustainable-procurement-program/documents/adm-109-sustainable-procurement-policy-full/download). Accessed 18 Feb. 2025.

<sup>2</sup> Andrew Himes. "1 - Embodied Carbon 101." *Carbon Leadership Forum*, 17 Dec. 2024, [carbonleadershipforum.org/embodied-carbon-101-v2/](http://carbonleadershipforum.org/embodied-carbon-101-v2/). Accessed 18 Feb. 2025.

<sup>3</sup> Filipeboni. "Understanding Environmental Product Declarations: A Comprehensive Guide." *UGREEN*, 9 Aug. 2023, [ugreen.io/environmental-product-declaration-the-complete-guide/](http://ugreen.io/environmental-product-declaration-the-complete-guide/). Accessed 18 Feb. 2025.

<sup>4</sup> EPA, Environmental Protection Agency, [www.epa.gov/ghgemissions/understanding-global-warming-potentials](http://www.epa.gov/ghgemissions/understanding-global-warming-potentials). Accessed 18 Feb. 2025.

<sup>5</sup> *City of Portland Sustainable Procurement ...*

<sup>6</sup> "Making Material Health Evaluation Fast, Easy and Accessible for Every Project." *HPD Collaborative*, [www.hpd-collaborative.org/#:~:text=The%20leading%20open%20standard%20for%20evaluating%20and%20reporting,mission%20to%20drive%20healthier%20building%20and%20product%20transparency](http://www.hpd-collaborative.org/#:~:text=The%20leading%20open%20standard%20for%20evaluating%20and%20reporting,mission%20to%20drive%20healthier%20building%20and%20product%20transparency). Accessed 18 Feb. 2025.

<sup>7</sup> *US EPA Life Cycle Assessment: Principle...*, [nepis.epa.gov/Exe/ZyPDF.cgi/P1000L86.PDF?Dockkey=P1000L86.PDF](http://nepis.epa.gov/Exe/ZyPDF.cgi/P1000L86.PDF?Dockkey=P1000L86.PDF). Accessed 18 Feb. 2025.

<sup>8</sup> "Red List Building Materials." *Red List Building Materials | SAICM Knowledge*, [saicmknowledge.org/library/red-list-building-](http://saicmknowledge.org/library/red-list-building-materials#:~:text=The%20Living%20Building%20Challenge%20%28LBC%29%20Red%20List%20represents,that%20are%20prevalent%20in%20the%20building%20products%20industry)

[materials#:~:text=The%20Living%20Building%20Challenge%20%28LBC%29%20Red%20List%20represents,that%20are%20prevalent%20in%20the%20building%20products%20industry](http://saicmknowledge.org/library/red-list-building-materials#:~:text=The%20Living%20Building%20Challenge%20%28LBC%29%20Red%20List%20represents,that%20are%20prevalent%20in%20the%20building%20products%20industry). Accessed 18 Feb. 2025.

<sup>9</sup> *City of Portland Sustainable Procurement ...*

<sup>10</sup> *City of Portland Sustainable Procurement ...*

<sup>11</sup> *City of Portland Sustainable Procurement ...*

<sup>12</sup> *City of Portland Sustainable Procurement ...*

<sup>13</sup> *City of Portland Sustainable Procurement ...*

<sup>14</sup> *City of Portland Sustainable Procurement ...*

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- <sup>15</sup> *Recommendations for Climate Friendly ...*, [www.climatefriendlycooling.com/uploads/7/4/8/7/7487823/climate\\_friendly\\_refrigerant\\_management\\_and\\_procurement\\_22\\_september\\_2021.pdf](http://www.climatefriendlycooling.com/uploads/7/4/8/7/7487823/climate_friendly_refrigerant_management_and_procurement_22_september_2021.pdf). Accessed 18 Feb. 2025.
- <sup>16</sup> Adapted from *City of Portland Sustainable Procurement Policy*, 2. ADM 1.09. Updated September 2020.
- <sup>17</sup> “Candidate List of Substances of Very High Concern for Authorisation.” *ECHA*, [www.echa.europa.eu/candidate-list-table](http://www.echa.europa.eu/candidate-list-table). Accessed 18 Feb. 2025.
- <sup>18</sup> “The Red List - Living Future.” *Living Future - A Future Worth Living In*, 12 Feb. 2025, [living-future.org/red-list/#red-list-and-watch-list-casrn-guide](http://living-future.org/red-list/#red-list-and-watch-list-casrn-guide). Accessed 18 Feb. 2025.
- <sup>19</sup> *Sustainable Building and Development Guidelines*, [www.burlington.ca/en/planning-and-development/resources/Urban-Design-Guidelines/Sustainable-Building-and-Development-Guidelines.pdf](http://www.burlington.ca/en/planning-and-development/resources/Urban-Design-Guidelines/Sustainable-Building-and-Development-Guidelines.pdf). Accessed 18 Feb. 2025.
- <sup>20</sup> “Home: Forest Stewardship Council.” *Home | Forest Stewardship Council*, [fsc.org/en](http://fsc.org/en). Accessed 18 Feb. 2025.
- <sup>21</sup> *Recommendations for Washington State Embodied Carbon ...*, [sbcc.wa.gov/sites/default/files/2024-12/2024-11-08 - CLF NBI RMI UW - A Study of the Language Addressing Embodied Carbon - FINAL\\_120324.pdf](http://sbcc.wa.gov/sites/default/files/2024-12/2024-11-08_-_CLF_NBI_RMI_UW_-_A_Study_of_the_Language_Addressing_Embodied_Carbon_-_FINAL_120324.pdf). Accessed 18 Feb. 2025.

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