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1. Regular Session Call to Order

Pledge of Allegiance, Roll Call, and Welcome

2. Approve Agenda

3. Employee Recognition

a. Swearing in of Police Officer Jaclyn Adams.

4. Public Comment

The City Council welcomes public attendance at Council meetings. This meeting is for the conduct of regular City business. With very few exceptions, RCW 42.17A.555 prohibits government agencies from allowing the use of public facilities, directly or indirectly, for campaign purposes. At this time, citizen comments and inquiries about agenda business or general City matters are encouraged. If you wish to address the City Council, please stand or raise a hand so you can be called upon. After you are recognized, please come forward to the lectern and state your name for the public record. Your remarks must be limited to three minutes or less. Please use the microphone.

5. Consent Agenda

All matters on the consent agenda have been provided to each Councilmember for review and are considered to be routine or have been previously discussed and will be adopted by one motion and vote without discussion. However, if a Councilmember desires, any item on this agenda will be discussed before any action is taken on it.

a. Approve Minutes of the February 9, 2026, Regular Meeting.

b. Approve Payroll Checks and Bank Drafts as listed in the attached register in the total amount of \$285,607.31 dated February 19, 2026.

c. Approve Claims Checks and Bank Drafts as listed in the attached register in the total amount of \$492,441.14 dated February 23, 2026.

6. New Business

a. AB 26-19: [Proposed] Ordinance No. 2026-05 Amending Section 3.17.050 of the Toppenish Municipal Code relating to the Equipment Rental and Revolving Funds.

b. AB 26-20: [Proposed] Resolution No. 2026-06 Adopt Procurement Manual.

c. AB 26-21: [Proposed] Resolution No. 2026-07 Amending Task Order with Connetix Engineering for WWTP Services.

d. AB 26-22: [Proposed] Resolution No. 2026-08 Approving Purchase of SCADA Software for the WWTP.

7. Council Meeting Reports and Community Announcements

8. Adjournment

Next Council Meeting Will Be Held on March 2, 2026.

City Council meetings are accessible to persons with disabilities. For individuals who may require special accommodations, please contact City Hall at (509) 865-6754, 24 hours in advance.

City of Toppenish Police Department

OATH OF OFFICE

I, Jaclyn Adams, do solemnly swear, that I will support and defend the Constitution of the United States, and the Constitution of the State of Washington against all enemies, foreign and domestic; that I will bear true allegiance to the Constitution of the United States, to the State of Washington and to the statutes and ordinances of the City of Toppenish. I further solemnly swear that I will diligently discharge all orders and directions of the present, or future, Public Safety Director and other superior officers appointed over me according to the rules and regulations of the City of Toppenish Police Department.

I further solemnly swear that I will serve honestly and faithfully in the performance of my duties as a police officer and will accept my commission as a symbol of authority and a mark of service to the people of this community.

Signed: _____

Date: February 23, 2026

Subscribed and sworn to before me this 23rd day of February, 2026.

Heidi Riojas, CMC, City Clerk

TOPPENISH CITY COUNCIL
Regular Meeting Minutes
February 9, 2026

Mayor Saavedra called the meeting to order at 7:00 p.m.

ROLL CALL

Attendees: Mayor Elpidia Saavedra, Mayor Pro Tem Loren Belton, and Councilmembers Laura Canfield, Naila Prieto Duval, George Garcia, and Josh Garza.

Absent: Councilmember Cristian Sanchez

Staff: City Manager Dan Ford, City Attorney Daniel B. Heid, ACM/Finance Director Adam Vaughn (ACM Vaughn), Interim Director of Community Infrastructure and Development Andrew Hattori, Acting Police Captain Jordan Vanderhoof, Public Works Supervisor Dan Musgraves, Information Technologies Services Manager Van Donley, City Clerk Heidi Riojas (CC Riojas), and Communications Manager Sean Davido.

CC Riojas conducted roll call for each City Councilmember to respond to their attendance at the meeting. Mayor Saavedra, Mayor Pro Tem Belton, and Councilmembers Canfield, Prieto Duval, Garcia, and Garza responded during roll call. Councilmember Sanchez was not present at the meeting.

Councilmember Garcia moved, seconded by Councilmember Garza to excuse Councilmember Sanchez from the February 9, 2026, Regular Meeting. Motion carried unanimously.

APPROVE AGENDA

Mayor Pro Tem Belton moved, seconded by Councilmember Garcia to approve the February 9, 2026, Agenda. Motion carried unanimously.

PUBLIC COMMENT

The City Council received comments from the public during the meeting.

CONSENT AGENDA

Councilmember Garza moved, seconded by Councilmember Garcia to approve Consent Agenda items a through d:

- a. Approve Minutes of the January 26, 2026, Regular Meeting.
- b. Approve Minutes of the February 2, 2026, Study Session.
- c. Approve Payroll Checks and Bank Drafts as listed in the attached register in the total amount of \$226,489.81 dated February 6, 2026.
- d. Approve Claims Checks and Bank Drafts as listed in the attached register in the total amount of \$162,031.86 dated February 9, 2026.

Motion carried unanimously.

PRESENTATION

2024 Financial and 2023-2024 Accountability Audits.

ACM Vaughn presented the results of the City's 2024 Financial Audit and 2023–2024 Accountability Audit. He outlined the Council's responsibility to oversee financial reporting and ensure compliance with applicable laws and regulations. In addition, ACM Vaughn explained the four levels of auditor concerns that can be identified during the audit process: verbal instruction, exit items, management letters, and formal findings. He noted that this graduated process allows staff opportunities to address issues over time before a finding is issued for continued noncompliance.

Both audits resulted in zero findings. A few exit items were identified, and staff will take corrective action to ensure compliance. ACM Vaughn also stated that staff will return to Council with a proposed amendment to a fund policy in response to an item identified in the recent management letter to bring the policy into compliance with legal requirements.

OLD BUSINESS

Mayor Saavedra Read Ordinance No. 2026-04: An Ordinance of the City of Toppenish, Washington Creating a New Section 1.24.020 of the Toppenish Municipal Code Relating to Enforcement of Civil and Criminal Violations, and Amending Section 15.01.060 of the Toppenish Municipal Code Relating to Violations of Building Codes, Providing for a Severability Clause and Establishing an Effective Date.

Mayor Pro Tem Belton moved, seconded by Councilmember Garza to adopt Ordinance No. 2026-04. Motion carried. Councilmember Prieto Duval voted no.

COUNCIL MEETING REPORTS/COMMUNITY ANNOUNCEMENTS

The City Councilmembers provided reports of their activities since the last meeting and community announcements.

ADJOURNMENT

There being no further business to come before the Council, the meeting adjourned at 7:17 p.m.

ELPIDIA SAAVEDRA, MAYOR

HEIDI RIOJAS, CMC, CITY CLERK

Payroll Check Register
 Payroll for Period: 2/1-2/15, 2026

Description	Payment Type	Payment Number	Amount
ACH Payroll 2/1-2/15, 2026	Bank Draft	ACH Payroll	\$114,422.31
Benefits Only	Regular	38525-38531	\$0.00
City of Toppenish - Longevity	Regular	38532	\$395.00
IAFF-MERP Trust Office	Regular	38533	\$300.00
Teamsters Local 760	Regular	38534	\$952.00
Toppenish Police Officer Association	Regular	38535	\$955.50
Treasurer IAFF #2328	Regular	38536	\$244.50
United Way Of Yakima Co.	Regular	38537	\$3.00
Vimly Benefit Solutions, Inc.	Regular	38538	\$99,728.87
Washington Teamsters Welfare Trust	Regular	38539	\$2,201.60
Aflac (EFT)	Bank Draft	DFT0000300	\$64.29
Aflac (EFT)	Bank Draft	DFT0000301	\$131.72
MissionSquare (EFT)	Bank Draft	DFT0000302	\$4,984.96
Nationwide Retirement Solutions (EFT)	Bank Draft	DFT0000303	\$1,889.07
Dept of Retirement Systems (EFT)	Bank Draft	DFT0000304	\$20,204.49
Internal Revenue Service (EFT)	Bank Draft	DFT0000305	\$37,096.15
WCIF - PD Dental & Vision (EFT)	Bank Draft	DFT0000306	\$2,033.85
Grand Total			\$285,607.31

Payroll Checks

Payroll Checks 38525-38539 and Electronic Transfers DFT0000300-DFT0000306.

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of Toppenish, and that I am authorized to authenticate and certify to said claim.

Adam Vaughn, Finance Director

February 19, 2026
Date

AP Check Register
February 2nd Council Period

Description	Payment Type	Payment Number	Amount
Pitney Bowes Inc.	Bank Draft	Void DFT0000291	\$ (2,500.00)
ADT Security Services, Inc.	Regular	38540	\$ 47.69
All-Phase Electric, Inc.	Regular	38541	\$ 34.98
Amazon Capital Services	Regular	38542	\$ 939.48
American Water Works Association	Regular	38543	\$ 93.00
Anatek Labs, Inc.	Regular	38544	\$ 141.00
Axon Enterprise, Inc.	Regular	38545	\$ 74,576.43
Cascade Columbia Distribution	Regular	38546	\$ 8,321.66
Cascade Natural Gas Corp.	Regular	38547	\$ 1,535.59
CenturyLink	Regular	38548	\$ 22.70
Cintas Corporation #605	Regular	38549	\$ 528.71
City of Sunnyside - Finance Dept.	Regular	38550	\$ 5,208.12
Department of Ecology Cashiering Unit	Regular	38551	\$ 223,472.61
Department of Licensing	Regular	38552	\$ 57.00
DeVries Business Records Management, Inc.	Regular	38553	\$ 32.00
Elite Towing and Recovery, LLC.	Regular	38554	\$ 2,255.72
First Responder Outfitters, Inc.	Regular	38555	\$ 1,500.19
Galls, Inc.	Regular	38556	\$ 88.23
Greyback Distributing Fuel and Oils	Regular	38557	\$ 631.95
Hanks, Michael E	Regular	38558	\$ 83.00
HLA Engineering and Land Surveying, Inc.	Regular	38559	\$ 32,331.75
Howard's Tire Factory Inc	Regular	38560	\$ 9,066.30
Huber Technology LLC	Regular	38561	\$ 41,003.14
Ideal Lumber & Hardware, Inc.	Regular	38562	\$ 121.67
Intermountain Cleaning Service, Inc.	Regular	38563	\$ 4,949.73
International Assoc. of Chiefs of Police	Regular	38564	\$ 220.00
Johnson Controls Security Solutions LLC	Regular	38565	\$ 778.79
Kenneth Cole Counseling, P.S.	Regular	38566	\$ 800.00
Lab Test	Regular	38567	\$ 600.00
LEAF Capital Funding LLC	Regular	38568	\$ 4,695.70
Lexipol, LLC	Regular	38569	\$ 8,513.18
Lynden Precast LLC	Regular	38570	\$ 2,304.00
Northwest Code Professionals	Regular	38571	\$ 3,293.80
ODP Business Solutions, LLC	Regular	38572	\$ 35.60
O'Reilly Auto Parts	Regular	38573	\$ 892.42
Oxarc, Inc.	Regular	38574	\$ 69.92
Pace Systems, Inc.	Regular	38575	\$ 1,814.40
Pacific Power & Light Co.	Regular	38576	\$ 4,671.24
Padilla Villafan, Jesus	Regular	38577	\$ 141.00
Price Ford of Yakima Valley, LLC	Regular	38578	\$ 441.12
Rathbun Iron Works, Inc.	Regular	38579	\$ 81.79
Sean Davido	Regular	38580	\$ 66.00
SHC Medical Center Toppenish	Regular	38581	\$ 2,320.62
The Bunker Tri-Cities LLC	Regular	38582	\$ 746.73
The Healthy Worker	Regular	38583	\$ 203.00
The Janitor's Closet	Regular	38584	\$ 53.29
Thompson Audiology	Regular	38585	\$ 45.00
Tri-Ply Construction, LLC	Regular	38586	\$ 4,403.73
Ubiquiti Inc.	Regular	38587	\$ 9,157.43
Verizon Wireless	Regular	38588	\$ 1,525.63
WA Association of Sheriffs & Police Chiefs	Regular	38589	\$ 180.00

Wapenish Sand & Gravel	Regular	38590	\$	2,044.83
Washington Law Enforcement Information and	Regular	38591	\$	50.00
Washington State Patrol	Regular	38592	\$	12.00
Washington State Treasurer	Regular	38593	\$	3,481.13
Workhub Software Inc.	Regular	38594	\$	42.00
Yakima County GIS	Regular	38595	\$	100.00
Yakima County Treasurer	Regular	38596	\$	61.65
Yakima Humane Society	Regular	38597	\$	1,000.00
Yakima Valley Utility Coordinating Council	Regular	38598	\$	120.00
Jeanne Deniz 3rd Party Special Needs Trust	Regular	38599	\$	4.06
Pablo G Orozco	Regular	38600	\$	176.59
Pitney Bowes Inc.	Bank Draft	DFT0000298	\$	2,500.00
Heritage Bank (EFT)	Bank Draft	DFT0000307	\$	379.21
Washington State Department of Revenue (EFT)	Bank Draft	DFT0000308	\$	21,445.69
Wex Bank (EFT)	Bank Draft	DFT0000309	\$	8,426.94
Grand Total			\$	492,441.14

Payroll Checks

Accounts Payable Checks 38540-38600, Electronic Transfers DFT0000298, DFT0000307-DFT0000309, and Void DFT0000291.

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of Toppenish, and that I am authorized to authenticate and certify to said claim.

Adam Vaughn, Finance Director

2/20/2026

Date

Meeting Date: February 23, 2026

Subject: AB 26-19: [Proposed] Ordinance No. 2026-05 Amending Section 3.17.050 of the Toppenish Municipal Code relating to the Equipment Rental and Revolving Funds.

Attachments: 1. Ordinance 3.17.050 - combined - old - new
2. Ordinance No. 2026-05 ER&R combined

Presented By: Adam Vaughn, ACM/Finance Director

Approved for Dan Ford, City Manager
Agenda By:

Discussion:

During the 2024 Financial Audit, the Auditors recommend that the City update its code to modify how the City's Vehicle Replacement Fund works. For cities that have a population of 8,000 or greater, an Equipment Rental and Revolving (ER&R) Fund is required for operating the City's street departments. The fund operates as an internal service fund and is required to set a rate by which to charge departments to successfully meet the needs of equipment replacement for the street fund. The rate that will be set for the street fund to transfer to the ER&R fund will be \$10,000. This rate is required to be reviewed yearly by the City Council.

Historically, the City has used its Vehicle replacement fund as a savings fund for a variety of City departmental uses. All the money moved into this fund has been tracked to ensure that each fund's money is separated. To show better financial transparency and to update the fund according to the auditor's recommendation, the modification of the ordinance also will transfer the current money in the fund back to its originating funds, except for the street funds' allocation. Other funds will track their equipment and replacement needs separately.

Fiscal Impact:

Recommendation:

Approve Ordinance No. 2026-05 Amending TMC Section 3.17.050 modifying the Equipment Rental and Revolving Fund.

Alternatives:

Combined

3.17.050 ~~Vehicle replacement fund~~ Equipment Rental and Revolving Fund (ER&R).

There is created and established ~~a vehicle replacement fund. The "vehicle replacement fund"~~ an Equipment Rental and Revolving Fund (ER&R). The "ER&R Fund" shall be used as a revolving fund to be expended for replacement and purchase of equipment, and for the purchase of equipment, materials, and supplies to be used in the administration and operation of the fund.

A. Moneys in each fund shall be retained there from year to year ~~so long as the city council desires to do so.~~

B. ~~The Toppenish public works department shall administer the equipment replacement fund under the supervision of the city manager and city treasurer. See RCW 35.21.088 and 35A.37.010(4).~~ The fund will be used for the operating of the City's Street Department.

C. All other funds will track their equipment replacement separately from the ER&R fund for the City Street Department.

D. A rate of \$20,000 a year will be charged to the City's Street Department to cover all costs associated with the operation of this fund to be reviewed annually.

(Ord. 2005-2 § 1, 2005).

Original

3.17.050 **Vehicle replacement fund.**

There is created and established a vehicle replacement fund. The "vehicle replacement fund" shall be used as a revolving fund to be expended for replacement and purchase of equipment, and for the purchase of equipment, materials, and supplies to be used in the administration and operation of the fund.

A. Moneys in each fund shall be retained there from year to year so long as the city council desires to do so.

B. The Toppenish public works department shall administer the equipment replacement fund under the supervision of the city manager and city treasurer. See RCW 35.21.088 and 35A.37.010(4).

(Ord. 2005-2 § 1, 2005).

Revised

3.17.050 **Equipment Rental and Revolving Fund (ER&R)**

There is created and established an Equipment Rental and Revolving Fund (ER&R). The "ER&R Fund" shall be used as a revolving fund to be expended for replacement and purchase of equipment, and for the purchase of equipment, materials, and supplies to be used in the administration and operation of the fund.

A. Moneys in each fund shall be retained there from year to year

B. The fund will be used for the operating of the City's Street Department

C. All other funds will track their equipment replacement separately from the ER&R fund for the City Street Department

D. A rate of \$20,000 a year will be charged to the City's Street Department to cover all costs associated with the operation of this fund to be reviewed annually.

(Ord. 2005-2 § 1, 2005).

ORDINANCE NO. 2026-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TOPPENISH, WASHINGTON, AMENDING SECTION 3.17.050 OF THE TOPPENISH MUNICIPAL CODE RELATING TO EQUIPMENT RENTAL AND REVOLVING FUNDS

WHEREAS, the Budgeting, Accounting and Reporting Systems (BARS) Manual, section 3.9.7 states Equipment Rental and Revolving (ER&R) funds are established to provide equipment rental services within the local government; and,

WHEREAS, the City's municipal code established a vehicle replacement fund as an internal service fund for the replacement and purchase of equipment; and,

WHEREAS, all Cities with populations over 8,000 are legally required to have an ER&R Fund for operating city street departments; and,

WHEREAS, ER&R funds should charge fees for all services, staff, facilities or equipment in a manner that is consistent and equitable to all participating funds or departments.

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF TOPPENISH, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Section 3.17.050 of the Toppenish Municipal Code (TMC) is hereby amended to read as follows:

3.17.050 ~~Vehicle replacement fund~~ Equipment Rental and Revolving Fund (ER&R).

There is created and established ~~a vehicle replacement fund. The "vehicle replacement fund"~~ an Equipment Rental and Revolving Fund (ER&R). The "ER&R Fund" shall be used as a revolving fund to be expended for replacement and purchase of equipment, and for the purchase of equipment, materials, and supplies to be used in the administration and operation of the fund.

A. ~~Moneys in each fund shall be retained there from year to year so long as the city council desires to do so.~~

B. ~~The Toppenish public works department shall administer the equipment replacement fund under the supervision of the city manager and city treasurer. See RCW 35.21.088 and 35A.37.010(4).~~ The fund will be used for the operating of the City's Street Department.

C. All other funds will track their equipment replacement separately from the ER&R fund for the City Street Department.

D. A rate of \$20,000 a year will be charged to the City's Street Department to cover all costs associated with the operation of this fund to be reviewed annually.

(Ord. 2005-2 § 1, 2005).

Section 2. Upon creation of the ER&R Fund, the City will transfer all current Vehicle Replacement Funds to their appropriate department or fund.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this chapter.

Section 4. Effective date. This Ordinance shall be effective five (5) days after publication as required by law.

PASSED by the Toppenish City Council at its regular meeting held on the 23rd day of February, 2026.

ELPIDIA SAAVEDRA, Mayor

ATTEST:

HEIDI RIOJAS, CMC, City Clerk

APPROVED AS TO FORM:

DANIEL B. HEID, City Attorney

Date of Publication: _____

Meeting Date: February 23, 2026

Subject: AB 26-20: [Proposed] Resolution No. 2026-06 Adopt Procurement Manual.

Attachments:

1. Procurement update summary 2.20.26
2. Threshold Table
3. Resolution No. 2026-06 Adopt Procurement Manual
4. Procurement Manual 1.0

Presented By: Adam Vaughn, ACM/Finance Director

**Approved for
Agenda By:** Dan Ford, City Manager

Discussion:

Washington State law sets parameters for when and how cities purchase (or procure) services or acquire property. The Washington State Auditor, which has oversight responsibility over city procedures and compliance, recommends that cities formally adopt procedures for securing services and acquiring property (Procurement Policy issues).

The City continues to follow all requirements and RCW guidelines when it comes to how it sources and procures its goods and services. The City has an unofficial Procurement Policy that it uses in conjunction with the guidelines set forth by RCW and other Federal guidelines. Working with the statutory procurement requirements identified by the State Auditor's Office, the City has put together updates to the manual for use by the City in addressing procurement issues.

The document presented for council approval is a formalized version of the City's procurement policy that further clarifies and gives direction on City Procurement. Attached you will find the policy itself, and a summary of differences or changes between the version the City has been using and this current version. Note, the \$20,000 threshold for Council approval remains unchanged.

Fiscal Impact:

Recommendation:

Approve Resolution No. 2026-06 Adopting Procurement Manual.

Alternatives:

Procurement Policy Summary

This summary explains what **new content and clarifications** were added to the *2026 Procurement Manual* compared to the *2020 Procurement Policy*, and confirms that **the City continues to meet required laws and standards** even though **the purchasing thresholds remain the same**.

1. Major Additions in the 2026 Procurement Manual (Compared to the 2020 Manual)

The 2026 manual significantly expands and clarifies the City's procurement processes. These are the most notable additions:

A. Expanded Structure, Guidance, and Explanations

The 2026 manual adds:

- Mission & Vision statement
- New Purpose and Objectives section
- Accountability and communication requirements
- Public records and confidentiality guidelines
- ✓ These sections did not appear in the 2020 policy.

B. Updated and Expanded Ethics, Conflict of Interest, and Conduct Requirements

While the 2020 version includes ethics, the 2026 manual:

- Adds detailed Public Records Act requirements
- Provides compliance expectations for evaluation teams
- Adds guidance about communication limits during solicitation
- Adds procedures for handling conflicts of interest

C. Expanded Purchasing Process Guidance (“How to Purchase”)

New detailed guidance added:

- Step-by-step instructions for purchasing goods, services, and construction

- Detailed procedures for informal quotes, PCards, breakroom supplies, and employee recognition purchases
 - Clear instructions for departments on when they may or may not place orders
 - ✓ These practical, operational instructions did not exist in the 2020 policy.
-

D. Much More Detail on Federal Funding Requirements

The 2026 manual includes:

- A STOP requirement before federal-funded procurement begins
 - Additional detail on Uniform Guidance 2 CFR 200
 - Federal vs. City/State threshold distinctions
 - ✓ These clarifications expand on the brief federal references found in the 2020 document.
-

E. Expanded Tables of Purchasing Requirements

The 2026 manual reorganizes purchasing thresholds into:

- Public Works
 - Goods & Services
 - Professional/Personal Services
 - Telecommunications
 - Approval authorities
 - ✓ Thresholds remain **the same**, but tables are expanded and more detailed.
-

F. Expanded Processes for Formal Bids, RFPs, and Evaluations

New additions include:

- Step-by-step RFP components

- Evaluation criteria and scoring guidance
 - Scoring calibration recommendations
 - Documentation and record-retention guidance
These were not present in the 2020 policy.
-

G. Detailed Small Works Roster & Limited Public Works Instructions

The 2026 manual adds:

- How many quotes are required at each dollar level
 - Required documentation
 - Required packets and responsible bidder criteria
 - Procedures for Limited Public Works under RCW 39.04.155
-

H. New and Expanded Insurance, Licensing, and Verification Requirements

The 2026 manual includes new detailed instructions for:

- Certificates of Insurance
 - Business license verification
 - Responsibility criteria under RCW 39.04.350
 - Federal debarment checks (SAM.gov)
✓ These go far beyond the basic list in the 2020 policy.
-

I. Added Sections on Freight, Receiving, and Definitions

Entirely new sections include:

- Freight terms
- Receiving procedures

- Damage reporting
 - A comprehensive definitions glossary
These were not included in the 2020 manual.
-

2. What Remains the Same

Even with the added content, the core legal framework remains unchanged:

A. Procurement Thresholds Remain the Same

Both the 2020 and 2026 manuals use the same thresholds for:

- Public Works (single craft, multiple craft, Small Works Roster)
- Goods & services
- Professional services
- ✓ No increases or decreases in thresholds.

B. State & Federal Laws Still Govern Procurement

Both manuals require compliance with:

- RCWs (39.04, 39.80, 39.12, etc.)
- WAC rules
- Federal Uniform Guidance (2 CFR 200)

C. Code of Ethics & Conflict of Interest

The 2026 manual expands the content, but the rules themselves remain the same.

3. Confirmation Statement: The City Is Meeting All Standards & Requirements

The City of Toppenish has updated its Procurement Manual to ensure compliance with all applicable federal, state, and local procurement laws. The purchasing thresholds remain unchanged, and the new manual strengthens clarity, documentation, and internal controls without altering established limits.

Based on the content in the 2020 and 2026 documents:

- ✓ **The City is meeting all required procurement standards**
- ✓ **The City is compliant with RCWs, WACs, and 2 CFR 200**
- ✓ **Procurement processes have been expanded for clarity and accountability**
- ✓ **Thresholds remain the same, but guidance and procedures are significantly improved**

This provides a stronger, clearer, and more auditable procurement framework while maintaining full legal compliance.

After establishing the need and the estimated cost, an appropriate purchasing process must be selected. The following chart should be used to identify the purchasing requirements.

Public Works Projects		
Type of Purchase	Purchasing Requirements	Approval
More than \$350,000	Formal Competitive Bidding	City Council
More than \$75,500 (single craft) or \$150,000 (multiple craft) but less than \$350,000 RCW 35.23.352	Formal Competitive Bidding, or Small Works Roster RCW 39.04.155	City Council
More than \$20,000 but less than \$75,500 (single craft) or \$150,000 (multiple craft)	Small Works Roster RCW 39.04.155, or Minimal Competition, or Day Labor, or Unit Priced Contract Work	City Council
More than \$10,000 but less than \$20,000	Small Works Roster RCW 39.04.155, or Minimal Competition, or Day Labor, or Unit Priced Contract Work	City Manager
\$10,000 or less (Micro Purchases)	Small Works Roster RCW 39.04.155, or Minimal Competition, or Day Labor, or Unit Priced Contract Work	Department Director

Goods, Equipment, Supplies and Materials not related to Public Works

Type of Purchase	Purchasing Requirements	Contract Approval
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Other Purchases

Purchasing Requirements	Contract Approval	
Architecture and Engineering more than \$20,000	Qualifications Based Selection	City Council Approval
Architecture and Engineering \$20,000 or less	Qualifications Based Selection	City Manager Approval
Telecommunications and Data Processing more than \$20,000	Competitive Negotiations	City Council Approval
Professional or Personal Services, or Ordinary or Purchased Services more than \$20,000	No State Requirement, but if Federal funds, must follow guidelines in Federal Section above and thresholds in table above.	City Council Approval
Professional or Personal Services, or Ordinary or Purchased Services more than \$10,000 but less than \$20,000	No State Requirement, but if Federal funds, must follow guidelines in Federal Section above and thresholds in table above.	City Manager Approval
Professional or Personal Services, Ordinary or Purchased Services less than \$10,000	No State Requirement, but if Federal funds, must follow guidelines in Federal Section above and thresholds in table above.	Department Director
More than \$50,000	Formal Competitive Bidding	City Council Approval
More than \$40,000 but less than \$50,000	Vendor list, or Formal Competitive Bidding	City Council
More than \$20,000 but less than \$40,000	Small Purchases Process, or Vendor List, or Formal Competitive Bidding	City Council
More than \$10,000 but less than \$20,000	3 Informal Quotes, or Vendor List, or Formal Competitive Bidding	City Manager
Purchases of \$10,000 or less	Small Purchases Process, or Vendor List, or Formal Competitive Bidding,	Department Director



RESOLUTION NO. 2026-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOPPENISH, WASHINGTON, ADOPTING AND APPROVING THE CITY OF TOPPENISH PROCUREMENT MANUAL

WHEREAS, consistent with recommendations received by the City from the Washington State Auditor’s Office, it is to the advantage of the City to have defined purchasing and procurement procedures; and,

WHEREAS, the City of Toppenish City Council desires to have its purchasing and procurement activities done in accordance with an identified written Procurement Policy; and,

WHEREAS, in accordance with the Auditor’s Office recommendations, a system of procedures and policies have been developed and drafted for used by the City in connection with necessary purchasing and procurement.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF TOPPENISH, WASHINGTON, HERE, BY RESOLVES as follows:

Section 1. Approval of Procurement Manual.

The Procurement Manual, a copy of which is attached hereto, marked as Exhibit “A,” and incorporated herein by this reference, is hereby approved as the Procurement Manual for the City of Toppenish, and the City Manager is authorized to sign the same on behalf of the City of Toppenish.

Section 2. Repeal and Rescission of Prior Policies.

That any other procurement policies or procedures heretofore adopted or established by the City shall be repealed and rescinded in so far as any inconsistency herewith.

Section 3. Corrections.

The City Clerk is authorized to make any necessary corrections to this Resolution or its attachment, including but not limited to: corrections of scriveners’ errors, clerical errors, references, resolution numbers, section or subsection numbers, and references thereto.

Section 4. Effective Date.

This Resolution shall be effective immediately upon passage and signatures hereto.

PASSED by the Toppenish City Council at its regular meeting, held on the 23rd day of February, 2026.

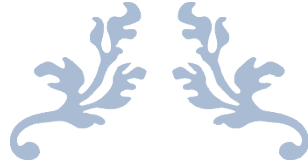
ELPIDIA SAAVEDRA, Mayor

ATTEST:

HEIDI RIOJAS, CMC, City Clerk

APPROVED AS TO FORM:

DANIEL B. HEID, City Attorney



Procurement Manual



FEBRUARY 23, 2026
CITY OF TOPPENISH
21 West 1st Avenue, Toppenish, WA 98948

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CITY OF TOPPENISH

Mission/Vision Statement

The Mission: To provide services necessary or desirable to make Toppenish a better place for commerce, employment, and to provide the opportunity for a higher quality of life for all its citizens.

The Vision: A Safe Healthy Vibrant Community



I. PURPOSE OF THIS MANUAL

The purpose of this document is to implement the requirements of federal, state, and local law regarding procurement and bidding on public contracts for public works, goods, services, supplies and materials. It is the City's policy to follow all applicable requirements regarding the expenditure of public funds, to provide a fair forum for those interested in bidding on public contracts, and to help ensure that public contracts are performed satisfactorily and efficiently at the lowest cost to the public, while avoiding fraud and favoritism in their award.

This document is intended to direct the purchase of goods and services at a reasonable cost. An open, fair, documented, and competitive process is to be used whenever reasonable and possible. The purchasing function's integrity, efficiency, and effectiveness are critical elements of sound government.

Objectives

The objectives of the city's purchasing program are as follows:

- To provide a uniform system to obtain supplies, materials, equipment, and services in an efficient and timely manner;
- To facilitate responsibility and accountability with the use of city resources;
- To ensure equal opportunity and competition among suppliers and contractors;
- To promote effective relationships and clear communication between the city and its suppliers and contractors;
- To comply with the comprehensive State procurement statutes which govern expenditures of public funds;
- To promote the use of recycled materials and products and dispose of surplus and scrap materials with regard to cost savings and the environment.

Scope

These guidelines apply to purchases of:

- Public works projects
- Professional services (including architectural and engineering services)
- Non-professional services
- Supplies, materials, and equipment

The guidelines do not apply to the acquisition, sale, or lease of real property. If grant funding is involved in the proposed purchase, applicable requirements should be obtained from the funding

Procurement Policy February 2026

agency. Such requirements may be more restrictive than the city's policy.



Purchasing and Procurement Requirements Controlling Laws

All purchases shall comply with appropriate and relevant federal, state, and city laws and policies. If the appropriate and relevant federal or state laws, regulations, grants, or requirements are more restrictive than these guidelines, such laws, regulations, grants, or requirements should be followed. In the event any bid threshold limits in the Revised Code of Washington (RCW) are different from the values listed within this Policy, the RCW limits shall control. The City Attorney shall be consulted when questions regarding potential conflicts arise. Applicable laws and regulations will be cited throughout this document.

The expenditure of public funds for the purchase of and contracting for goods, services, supplies, and materials shall comply with the following:

- For purchases made in whole or in part with Federal Funds - all applicable federal laws as stated in 2 CFR §200.318 through 2 CFR §200.326, plus all state law requirements as set forth in the Revised Code of Washington (RCW) and the Washington Administrative Code (WAC), in addition to any local laws and regulations, always complying with the most restrictive requirement.
- For purchases made with State and Local Funds - all applicable state law requirements as set forth in the Revised Code of Washington (RCW) and the Washington Administrative Code (WAC), in addition to any local laws and regulations, always complying with the most restrictive requirement.

Monitoring and Compliance

The department heads shall implement, monitor and enforce these policies. In the event of any conflict in procurement requirements or questions about proper procedure or other requirements, the matter shall be referred to the Finance Director or the City Manager for further action. Willful or intentional violations of public procurement requirements may result in personal penalties, financial liabilities, and/or discipline.

II. ACCOUNTABILITY AND COMMUNICATION

City staff involved in specification development must carefully consider conflicts of interest and other public accountability rules, considering each of the following:

A. Public disclosure

The city's procurement process, and the submittals, materials, information, decisions and many of the notes related to that process are all public records subject to public disclosure unless an exemption applies under the Washington Public Records Act (PRA), Chapter 42.56 RCW, and shall be kept in conformity with the city's retention schedule.

- Submittals are subject to disclosure. Certain state law exemptions may apply and disclosure may be reasonably delayed to avoid unreasonable interference with the evaluation and award decision.
- Staff notes are subject to disclosure as they pertain to the city's official business, processes and decisions. Staff shall not make remarks or comments that would not be comfortable sharing with a public audience.
- Staff notes that help to document the process and decisions shall be kept, and should be clearly organized so they can be understood in the future.
- Important notes and materials that are significant to documenting the decision and process should be given to the Contract Specialist at the end of the process and saved in the event of a public records request.
- The city is not required to create summaries or new public records in response to a PRA request. The city is not required to do research or analysis for vendors under PRA. However, summaries or analyses are subject to disclosure if the city has already created such records.

RCW 42.56.080 – Requests Must Be for Identifiable Records The PRA defines a public records request as one directed at existing, "identifiable public records." This means the agency is required to locate and provide records that already exist—it is **not required to compile or create new information** in response to a request

- Further information regarding public disclosure may be obtained from the Public Records Coordinator.

B. Maintain Confidentiality

Documents, decisions, information and opinions are generally to be kept confidential, except as required to be disclosed under the Public Records Act. Information should not be shared with staff other than with city staff who are directly involved in the evaluation and selection process. Project Managers, the Contract Specialist, and in some cases selection advisory committee members, may contact respondents to city solicitations seeking additional information and clarification regarding vendor submittals, as well as negotiation of contracts. However, conversations or contact with respondents regarding details of the evaluation process should otherwise be limited, and care must be taken to maintain the objectivity of the evaluation process. If respondents call with questions, particularly with regard to evaluation, or to request documents, such questions or requests should be referred to the Contract Specialist.

C. Fair, Prudent and Thorough Evaluation

The process must be fair to all respondents; be thoughtful and deliberative in order to preserve the integrity of the public bid process.

1. The Project Manager and city staff invited to assist in specification development, solicitation efforts, and/or award processes, must be considerate of conflicts of interest and other public accountability rules.
 2. In the event a member of a Request for Proposal (RFP) selection advisory committee has a conflict of interest, he or she must immediately withdraw from the process. If a committee member has a conflict or perceived conflict of interest, the committee member must consult with the Legal Department.
- **Caution must be used** when city staff and committee members are discussing any aspect or any opinion about the solicitation process, vendors, bids or selection results until the award process is complete to avoid actions that give, or may be perceived to give, preferential treatment to any vendor.

III. PURCHASING DIVISION CODE OF ETHICS & CONDUCT

To instill public confidence in the award of public contracts and the expenditure of public funds, the City adopts the following code of ethics regarding public contracting:

- The actions of City employees shall be impartial and fair.
- Government decisions and policies shall be made in compliance with required procedures and within the proper channels of government structure.
- Public employment shall not be used for personal gain.
- Purchasing decisions shall be made impartially, based upon the City's specifications for the contract and the responses of those bidding on the contract.

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- Awards utilizing Federal Funding: In compliance with 2 CFR §200.112, 2 CFR §200.318, and all other applicable federal and state standards, regulations and laws, no employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal award if he/she has a real or apparent conflict of interest. This conflict of interest extends beyond the individual employee, officer, or agent to include an individual's family members, partner, and other employers or potential employers. Individuals involved in the procurement process cannot accept gratuities, favors, or anything that has monetary value from contractors, potential contractors, subcontractors, or their agents.
- To the extent permitted by federal, state, or local laws or regulations, violation of these standards may cause penalties, sanctions, or other disciplinary actions to be taken against elected officials, employees, contractors, potential contractors, subcontractors, or other agents of the City of Toppenish.
- Any potential conflict of interest must be disclosed in writing to the federal awarding agency or pass-through entity in accordance with federal awarding agency policy, as applicable.

Prohibited Practices

All local governments in Washington are subject to the state's Codes of Ethics and Conflicts of Interest laws and statutes, including but not limited to RCW 42.23. Generally, municipal officers are prohibited from having financial interest in contracts made by or under the officer's supervision or for the benefit of their office. Violating these rules can bring penalties, including monetary fines, nullification of contracts, and possible forfeiture of employment. RCW 42.23.020 defines "municipal officer" rather broadly, meaning any city employee acting on behalf of the city. The RCW also defines "contract" to include any contract, sale, lease, or purchase. The following practices are prohibited:

- **Collusion among Bidders** – Agreement or collusion among bidders or prospective bidders to either buy or sell in restraint of freedom of competition, such as agreement to bid a fixed price or otherwise, shall render the bids void. Such bidders may be subject to possible exclusion from future bidding with the city when determined by the City Manager to be in the best interest of the city.
- **Disclosure of Formal Bid Contents** – Disclosure in advance of opening bids of any information contained in the sealed or formal bid made or permitted by a City Officer or employee may render each bid void by the City. Notwithstanding anything herein to the contrary, bids submitted by bidders taking advantage of any information revealed contrary to this section shall at once become null and void.
- **Gratuities** – Except for normal business and social courtesies, or donations publicly given and accepted, the acceptance of any gift or gratuity in the form of cash, merchandise, or services of significant value by an official or employee of the city from any vendor or contractor in return for a commitment to continue or initiate a purchasing agreement is prohibited.
- **Employee-Owned Businesses** – Generally, City goods or services shall not be obtained from businesses in which City officials, employees or their immediate family members have a majority ownership interest except as allowable by RCW 42.23.030.
- **Sale of Materials and Supplies** – The City shall not use its purchasing power or lend its credit to acquire goods or services for any private party, nor shall the City sell its materials or supplies to City

officials, employees, or the public except when said materials have been declared surplus and disposed of in accordance with City policy.

- **Conflict of Interest** – City employees or officials shall not participate directly or indirectly in a procurement when they are aware of or know there is a conflict of interest.
- **Solicitation of Donations** – The City will not accept donations of materials or services in return for a commitment to continue or initiate a purchasing agreement.
- **Bid Splitting** – Issuing several orders under the dollar limit or breaking a project into phases to avoid bidding is against state law. The city must combine the total foreseeable identical items, similar items, or items that are used together, when the cost exceeds competition limits or when it is determined that volume discounts can be obtained (i.e., office supplies, laundry services, janitorial paper products, etc.).



IV. Purchasing and Procurement Methods Defining the Need

Before determining the procurement method and approval authority, the type of purchase must be established. The major categories of purchases include:

- **Public Works Projects** – Includes all work, construction, alteration, repair or improvement other than ordinary maintenance, executed at the cost of the city. Examples include demolition, remodeling, renovation, road construction, building construction, and utilities construction.
- **Goods, Equipment, Supplies and Materials not related to Public Works** – Includes tangible items which are manufactured and are moveable at the time of purchase that are not related or part of any future or on-going Public Works Projects.
- **Architecture and Engineering** – These are services acquired under the authority and procedures outlined in RCW 39.80.
- **Professional or Personal Services** – Services provided by independent consultants that require specialized knowledge, advanced education, professional licensing or certification and where the primary service provided is mental or intellectual, involving the consistent exercise of judgment and discretion.

- **Ordinary or Purchased Services** – All other service-related work that is not considered a public work or professional service. Most often these are routine in nature (i.e.: yearly, monthly, weekly, etc.).
- **Acquisition of electronic data processing or telecommunications equipment, software, or services** – including computer hardware, custom or off-the-shelf software, telephone, voice, internet, data, video, or audio systems – Please note: Competitive negotiation can also be used for these types of services. RCW 39.04.270, please refer to link [MRSC - Find Your Contracting Requirements](#).
- **Cooperative Purchasing.** When in the best interest of the City, the city shall participate in, sponsor, conduct or administer cooperative purchasing agreements with the State or one or more political subdivisions of the State of Washington, or national recognized Purchasing Consortiums (WA State DES, US Communities, NASPO Value point, TCPN, National Joint Powers Alliance (NJPA), NPP National Purchasing Partners, National IPA, NCPA National Cooperative Purchasing Alliance, TIPS The Interlocal Purchasing System, Texas Department of Information Resources, Buy Board Cooperative Purchasing, KCDA King County Director’s Association, HGAC Buy, 1 Government Procurement Alliance, Sourcewell, as well as which has Schedules that can be used - Schedule 84, Schedule 70, Disaster Purchasing, and Public Health Emergencies and the 1122 Program.

Determining the Cost

Once a need has been defined, the estimated cost of the goods and/or services will generally determine what competitive selection process will need to be followed. Estimated costs for competitive bidding purposes must include:

- All construction related work (other than engineering/architectural design fees) must be selected based on qualifications before cost is negotiated)
- All phases of the project
- Any internal permitting costs of the project
- All applicable sales and use taxes.

The cost estimate should not include donated materials, labor, supplies, etc.

Federal Funding

For any Federal procurement transaction, the Uniform Guidance procurement standards in 2 CFR §200.318-200.327 (except where explicitly excluded by the federal agency) and any additional requirements imposed by the federal agency or pass-through entity must be followed.

The City’s thresholds for purchasing requirements must meet federal standards except the Formal Competitive Bidding threshold being at \$250,000 (Federal) rather than \$350,000 (City/State).

Selecting process

After establishing the need and the estimated cost, an appropriate purchasing process must be selected. The following chart should be used to identify the purchasing requirements.

Public Works Projects		
Type of Purchase	Purchasing Requirements	Approval
More than \$350,000	Formal Competitive Bidding	City Council
More than \$75,500 (single craft) or \$150,000 (multiple craft) but less than \$350,000 RCW 35.23.352	Formal Competitive Bidding, or Small Works Roster RCW 39.04.155	City Council
More than \$20,000 but less than \$75,500 (single craft) or \$150,000 (multiple craft)	Small Works Roster RCW 39.04.155, or Minimal Competition, or Day Labor, or Unit Priced Contract Work	City Council
More than \$10,000 but less than \$20,000	Small Works Roster RCW 39.04.155, or Minimal Competition, or Day Labor, or Unit Priced Contract Work	City Manager
\$10,000 or less (Micro Purchases)	Small Works Roster RCW 39.04.155, or Minimal Competition, or Day Labor, or Unit Priced Contract Work	Department Director

Goods, Equipment, Supplies and Materials not related to Public Works

Type of Purchase	Purchasing Requirements	Contract Approval
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Other Purchases

Purchasing Requirements	Contract Approval	
Architecture and Engineering more than \$20,000	Qualifications Based Selection	City Council Approval
Architecture and Engineering \$20,000 or less	Qualifications Based Selection	City Manager Approval
Telecommunications and Data Processing more than \$20,000	Competitive Negotiations	City Council Approval
Professional or Personal Services, or Ordinary or Purchased Services more than \$20,000	No State Requirement, but if Federal funds, must follow guidelines in Federal Section above and thresholds in table above.	City Council Approval
Professional or Personal Services, or Ordinary or Purchased Services more than \$10,000 but less than \$20,000	No State Requirement, but if Federal funds, must follow guidelines in Federal Section above and thresholds in table above.	City Manager Approval
Professional or Personal Services, Ordinary or Purchased Services less than \$10,000	No State Requirement, but if Federal funds, must follow guidelines in Federal Section above and thresholds in table above.	Department Director
More than \$50,000	Formal Competitive Bidding	City Council Approval
More than \$40,000 but less than \$50,000	Vendor list, or Formal Competitive Bidding	City Council
More than \$20,000 but less than \$40,000	Small Purchases Process, or Vendor List, or Formal Competitive Bidding	City Council
More than \$10,000 but less than \$20,000	3 Informal Quotes, or Vendor List, or Formal Competitive Bidding	City Manager
Purchases of \$10,000 or less	Small Purchases Process, or Vendor List, or Formal Competitive Bidding,	Department Director



V. REQUISITION APPROVAL LIMITS AND SIGNATURE AUTHORITY

See “*City of Toppenish (Purchasing Authority)* for Delegation of the City Manager’s Authority to approve requisitions and sign contracts

Department Heads and Division Managers DO NOT have the authority to sign contracts UNLESS the City Council has delegated authority Department Heads and Division Managers via Resolution. Only the City Manager (or authorized designee) has the authority to sign contracts.

This can be found: Finance Department.O:\Policies - Finance\Procurement Policy-City Manager Purchasing Section.

The City Manager shall establish the rules and regulations for the procurement of all goods and services, and such rules and regulations shall be applicable to all City employees. The City Manager and City Council possess the sole authority for any deviation from purchasing regulations. If improper purchasing practices occur, the City Manager may take disciplinary action(s) against the individual(s), division(s) and/or department(s) involved. Disciplinary action may be in the form of restricted purchasing delegation, restitution, suspension, termination or any other form deemed appropriate by the City Manager.

Department Directors.

(a) **Authority.** By authority of the City Manager, Department Directors or their designated representative shall be delegated purchasing authority and responsibility as set forth herein or as set forth in the authorizing document.

(b) Department Directors are given the responsibility of ensuring that all personnel in their department are knowledgeable of and fully understand purchasing procedures established by the City Manager. By following the requirements established within this manual, Department Directors may be able to make better use of budgeted funds for their department.

(c) Department Directors may delegate purchasing authority to their employees as required to facilitate the activities within their scope of responsibility. However, the ultimate responsibility remains with the Director for the activities of their subordinate employees. Department Directors cannot delegate approvals. The City Manager or Finance Director can approve items that otherwise would have been approved by a Department Director.

VI. GRANT & FEDERAL FUNDING

If any City Official intends to procure something that involves any type of grant or federal funding, before moving forward with any such procurement, the City Official must STOP and make sure that all procurement requirements have been met!



For any Federal procurement transaction, the Uniform Guidance procurement standards in 2 CFR §200.318-200.327 (except where explicitly excluded by the federal agency) and any additional requirements imposed by the federal agency or pass-through entity must be followed.

The City's thresholds for purchasing requirements must meet federal standards except the Formal Competitive Bidding threshold being at \$250,000 (Federal) rather than \$350,000 (City/State), working with the Finance Department to determine what federal requirements apply to the project.

VII. HOW TO PURCHASE MATERIALS, SUPPLIES,



A. PAYMENTS

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For all payments the address as to where to send an invoice must be specified at the time of the order.

All questions regarding payments should be directed to the Accounts Payable Division of Finance.

- B. **PCARD (VISA)** A Purchase Card is an alternate way to pay for something. All procurement policies still apply.
- C. Travel and Reimbursement Policy, Personnel Policy Chapter 13, applies where indicated.
- D. Employee Recognition, Business Meeting & breakroom supplies, administrative policy 2022-49, likewise applies where indicated.

E. PROCEDURE TO OBTAIN INFORMAL (\$10,000 to \$49,999) QUOTES

Department directors may obtain written quotes.

DEPARTMENT/DIVISION PERSONNEL DO NOT HAVE THE AUTHORITY TO CONFIRM (PLACE) THE ORDER within this dollar range unless express written authority has been given. In such a case, the City Manager, after reviewing the quotes will provide written instructions addressing the following:

- 1) The Division shall contact at least three vendors for quotations, and shall make sure technical information defines acceptable quality, and ensures vendors are giving quotes on equal and comparable items. All vendors must be provided the same information. If one vendor offers an acceptable alternate, **new quotes must be requested, using the alternate specifications.** The Division shall make sure that each vendor is provided the same information when answering questions or responding to requests for information from any vendor.
- 2) The City will not pay for any technical information from any vendor. If technical information is received from one vendor, it will not be shared with other vendors, unless permission is granted by the providing vendor. If the city intends to use a vendor's technical information, the bidding documents must specify that submitting such information constitutes permission to use it\.
- 3) On-site demonstrations or delivery of preview/trial merchandise should be arranged with the Department Director beforehand. Receiving a demonstration of someone's product, does not mean that the city will be able to buy it. Competition may still be required.

PROCEDURE FOR FORMAL BIDS or RFP's - Over \$49,999



General Elements of a Request for Proposals

There are several elements to an RFP, which are as follows:

- **Purpose.** This section provides a brief description of what the procurement is seeking.
- **Agency Background.** This optional section should briefly outline how the project was developed.
- **Goals and Objectives.** This should describe what the project needs.
- **Scope of Work.** This section should be well-written and done so in a manner that encourages fair competition. It should include an adequate level of detail that addresses the tasks and products of the project. Clarity in the scope of work will help to avoid future disputes about intended performance.
- **Selection Process and Anticipated Timeframe.** This details the process for selecting an awardee.
- **Evaluation Criteria.** The evaluation criteria should be clear, should tie the criteria to the scope, and should identify the value in the scoring process to each criteria. Include the scoring matrix in this section and provide the decision schedule, if available.
- **Submittal Requirements.** In this section, all the information that firms should submit, including the firm's general approach to the project, a list of key personnel who would work on the project, along with their experience and availability, and general scope and deliverables, should be listed. It helps to keep the submittal requirements, page limitations, and due date in the same section of the RFP, and to allow for flexibility in the format of responses.
- **Submittal Deadline.** A good deadline allows an adequate response time based on the complexity of the project. Agencies should be willing to accept electronic proposals and should acknowledge receipt of all proposals.
- **The Agency's Standard Terms and Conditions.** By attaching this information to the RFP, the agency is asking the proposing vendor to affirm that the agency's terms

and conditions are acceptable. If the terms are not acceptable, require that the vendor describe the reasons for taking any exceptions, and that the vendor propose alternative language. Include this as part of the evaluation criteria.

Evaluation Criteria

- Agencies establish criteria for evaluation based on the priorities of the proposal. This criteria should correlate to the scope of work and the objectives of the project. Understanding the impact of the priorities to the project will help create an evaluation process that will lead to the selection of the best suited proposal. Solicitations need to clearly indicate if the agency is expecting proposers to submit specific information to demonstrate how they meet any of the criteria.
- The agency needs to determine how the evaluation will be conducted while it is developing the RFP and conduct a few trials of how a proposal might be scored. The agency needs to sure that criteria that are most important to the project are assigned an adequate point value to reflect that importance. Going through this exercise in advance will allow to make any necessary corrections to the solicitation before it is issued.
- If the agency is using an evaluation team, meet with them before the proposal responses are due to discuss how the evaluation will be conducted. It will be helpful for the team if it first defines how points are scored so that their evaluations are less subjective. This also provides for a more uniform process. For example, where 20 points are available to a criteria element, the agency needs to define what constitutes assigning a score of 1-5, what qualifies for a score of 6-10, etc. Evaluators should be asked to make notes when they are assigning points, as this will identify what prompted them to assign the value given. This will assist in creating a response summary, which could be used in any follow-up with unsuccessful proposers.
- Sometimes the complex nature of the project will require that the agency obtain professional assistance, not only in the evaluation process but also in developing submittal requirements that will be pertinent and important to proper evaluation.

[MRSC - Using RFPs as a Competitive Procurement Tool](#)

Sealed Bids/RFP's are required whenever the cost of supplies, materials, equipment, or services exceeds \$50,000. The Finance Department or City Manager's Office must be involved in the formal process and help determine whether a Bid or RFP is warranted.

4) Division's Duties in the Bidding/RFP Process

- a. Determine the need.
- b. Notify the Finance Department regarding any budget transfers or amendments needed to cover funding.

- c. Contact the City Manager to discuss the project.
- d. Route technical specifications, as well as a list of potential vendors, to designated purchasing official.
- e. Perform final review of technical specifications and be prepared to answer technical questions from vendors. Any information that needs to be disseminated to all vendors shall be done as an addendum issued by the designated purchasing official. If applicable, attend pre-bid meeting and answer technical questions.
- f. **AWARD:** After bids have been opened, recommend award on form provided. Bid must be awarded for the most responsive bid from a responsible bidder. If recommendation for award is being made to anyone other than the low bidder, attach memo stating specific reasons why the low bid is not acceptable. RFP's are awarded to the vendor who scored the most points on predetermined evaluation criteria. The status of recommendation to the vendor should not be revealed. Vendors with questions should be referred to the designated purchasing official.
- g. **POOR PERFORMANCE?** When things go wrong, city staff involved should not remain silent! Ather, they should contact the City Manager. They should also **remember to DOCUMENT their concerns, the actions of the vendor, and any other information or evidence that shows, proves, or exhibits the vendor's poor performance.** Even if problems with a vendor continue or are on-going, the city will have a very hard time canceling a contract or not awarding them a new contract, unless there is proper documentation of the problem.

5) Finance/City Manager's Office Duties in the Bidding Process

- a. Receive technical specifications from division.
- b. Assemble bid package and check for legalities.
- c. Route to division for final review.
- d. Arrange pre-bid conference, if applicable, to invite bidders to discuss bid requirements and specifications.
- e. Establish bid opening date and place ad in newspaper.
- f. Distribute bid packages to vendors and maintain accurate vendor records.
- g. Conduct bid opening with Clerk.
- h. Tabulate bids and verify responsiveness.
- i. Review recommendation of award.

- j. If the designated purchasing official agrees with division's recommendation, bid is routed to City Manager for approval.
- k. Place the order.
- l. Administer bid for the life of the contract (e.g. price increases, lapses in insurance coverage, bonding, prevailing wage, etc.).

6) TASKS INVOLVED IN SPLITTING UP ITEMS TO AVOID A BID THAT VIOLATES STATE LAW

- a. **Dividing purchases to stay below a bid or quote threshold and avoid a competitive bidding process is against state law.**
- b. Combine the total of foreseen **identical** items purchased at the same time or **similar** items (or items that are **used together**) within a calendar years' time, in which the cost exceeds bid/quote threshold or when it is determined by the designated purchasing official, that volume discounts can be obtained by combining City-wide usage, (e.g. office supplies, laundry services, janitorial paper products, etc.).

7) ALTERNATIVES TO BIDDING:

a. Inter-Governmental Cooperative Purchases

RCW [39.34.030](#) permits governmental agencies to utilize other entities' contracts without going to bid. The Finance Department should be contacted to determine if "interlocal" purchasing is feasible for the division's particular need. The following criteria must first be met:

- There must be an Interlocal Purchasing Agreement, approved by Council and signed by both parties, on file.
- It must be a current contract with interlocal language included.
- It must have been advertised on the entity's web page and competitively bid.
- The government entity, and the vendor, must be willing to share their contract pricing.
- A complete copy of the contract must have been reviewed by designated purchasing official.
- Staff will set up a bid file and track as if it were our own bid process.

- b. Purchases at **Auctions**, per [RCW 39.30.045](#)

- Any municipality, as defined in RCW 39.04.010, may purchase any supplies, equipment, or materials at auctions conducted by the government of the United States or any agency thereof, any agency of the state of Washington, any municipality or other government agency, or any private party without being subject to public bidding requirements if the items can be obtained at a competitive price.

c. An **Emergency** has been declared.

“Emergency” as defined in [RCW 39.04.280](#)(3) means any unforeseen circumstances beyond the control of the municipality that either present a real, immediate danger to the proper performance of essential functions, or will likely result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken. This includes declared federal or state disasters, as well as local agency-declared emergencies.

d. **Sole Source Purchasing**

RCW 39.04.280(1)(a) allows the City of Toppenish to waive competitive bidding requirements when a needed product or service can only be reasonably supplied by one vendor. This is known as a *sole source exemption*.

A sole source situation may occur when the item or service is:

- Licensed, patented, or copyrighted items and only available through one supplier.
- Required to be compatible with existing City systems, equipment, or infrastructure.
- Proprietary/custom software such as specialized software or information systems.
- Products or services requiring unique certifications or statutory qualifications.

When using this exemption, the City must make an objective determination and clearly document:

- Why the product or service is essential
- Why only one vendor can reasonably provide it
- What steps were taken to identify or rule out other possible vendors.

Link: [MRSC - Competitive Bidding Exemptions](#)

e. **Surplus Property**

The City may from time to time acquire surplus property from another governmental entity without regard to bid laws as authorized by RCW 39.33.010.

f. **Special Facilities or Market Conditions**

The City Manager may waive established bidding requirements if an opportunity arises to purchase favorably priced equipment at an auction or supplies or used goods that will be sold before the city can conduct the bid process when over bid thresholds. Written documentation of the special condition must be prepared for justification of the purchase and waiver of bidding requirements.

g. **Real Property**

Acquisition of real property is exempt from the competitive bidding requirements of this policy. Upon approval of the City Council, the City Manager may proceed to

acquire real property through negotiation. Such negotiations shall be based upon an independent fee appraisal of the property. The City shall not pay more than fair market value for real property without prior Council approval. If the property is acquired in part or in whole with Federal Funds, such acquisition shall additionally comply with the Uniform Real Property Acquisition and Relocation Assistance Act of 1970, as amended.

Competitive Bidding-

When purchasing electronic data processing or telecommunication equipment, software, or services to support internal administrative functions, most local governments have two basic options:

1. Follow the normal competitive bidding/solicitation requirements for the equipment, services, or work as appropriate. Run [Find Your Contracting Requirements](#) again and select the procurement type to identify the agency's statutory requirements.
2. Use a competitive negotiation process under [RCW 39.04.270](#) and award the contract to the bidder whose proposal is "most advantageous" as described below.

Competitive Bidding Exemption

[RCW 39.04.280](#) exempts some purchases from normal competitive bidding requirements, including:

- Emergency purchases
- Sole source (single supplier) purchases
- Purchases involving special facilities or market conditions
- Purchases of insurance or bonds

For more information, see [Competitive Bidding Exemptions](#).

These exemptions apply to all municipalities as defined in [RCW 39.04.010](#), as long as the governing body formally approves and documents the exemption. (Also see [RCW 36.32.270](#) for counties.)



VIII. HOW TO PURCHASE CONSTRUCTION (Public Work) ACTIVITIES:

A. "PUBLIC WORK"

As defined in RCW 39.04.010, it means all work, construction, alteration, repair, or improvement other than ordinary maintenance, executed at the cost of the state or of any municipality, or which is by law a lien or charge on any property therein.

Note that this definition of public work includes construction and repair but excludes

ordinary maintenance. WAC 296-127-010(7)(b)(ii), which defines “ordinary maintenance” in the context of whether prevailing wages have to be paid as part of the contract, defines it as follows:

Ordinary maintenance is defined as maintenance work performed by the regular employees of the state or any county, municipality, or political subdivision created by its laws.

B. “LIMITED PUBLIC WORK”

City uses a streamlined process for work, as allowed by RCW [39.04.155](#).

C. THRESHOLDS for Public Works

The preparation of plan and/or specifications and an estimate of project cost shall be authorized by the City Manager for projects up to \$20,00 and by the City Council for larger projects.



D. HOW MANY QUOTES ARE NEEDED WHEN USING THE SMALL WORKS ROSTER (SWR) FOR CONSTRUCTION (non-A&E) – RCW 39.04?

- a. <\$20,000: Competition not required, though it is still necessary to obtain a certificate of insurance and pay prevailing wages.
- b. \$20,000K to \$34,999: Solicit electronic or written quotations from **3** contractors in applicable category of SWR
- c. \$20,000 - \$150,000: Solicit electronic or written quotations from **5** contractors in applicable category of SWR
- d. \$150,000 - \$349,999: Solicit electronic or written quotations from **ALL** contractors in applicable category **or solicit from 5 contractors and notify ALL**
- e. >\$350,000: Must use **Formal Bid Process** above Small Works Roster
CLICK [HERE](#) FOR MRSC’S “Small Works Roster: A guide for Washington’s Local Governments”.

E. PROCEDURE FOR “LIMITED PUBLIC WORK” per RCW [39.04.155\(3\)](#) -

- a. **For Limited Public Work (\$20,000 to \$300,000), it is no longer possible to just meet contractors at the work site, explain the project and request quotes. State Law has**

changed such that now contractors must be handed a packet of information in advance with requirements about Responsible Bidder's Criteria, Prevailing wage, Insurance, and general protective clauses.

- b. Department utilizes Small Works Roster contracted with the Municipal Research and Services Center Of Washington.
- c. Department solicits at least 3 quotes (can notify all on roster).
- d. Department arranges pre-bid conference, if applicable, to invite contractors to discuss technical specifications and view site.
- e. Department routes requisition and paperwork through the designated purchasing official for confirmation.
- f. No advertisement is required.
- g. Bid Bonds Optional.
- h. Payment/Performance Bonds Can Be Waived.
- i. Retainage Can Be Waived.
- j. Prevailing Wage Intents/Affidavits required at the time the contract is entered into.
- k. Insurance required.



F. INSURANCE/LICENSES/PREVAILING WAGES

When hiring anybody to do anything for the city, there are multiple requirements that need to be met.

1. Certificates of Insurance

Before any contractor is allowed to work on City property (no matter the dollar amount of the work), contact the City Manager to determine if a Certificate of Insurance is required. If required, the contractor must furnish the City with a Certificate of Insurance, naming the City of Toppenish as primary & noncontributory **additional insureds with an additional attached**

endorsement on or before the effective date of the contract. Standard limits shall be \$2million commercial/\$2million auto. Any other limits shall be approved by the City Manager.

2. Responsibility Criteria for Contractors:

- a. Washington State Contractor’s License/Federal Registration –It is unlawful for the City to hire anyone to do construction work on our property that does not have a valid State of Washington Contractor’s License. If someone is not properly licensed, THEY ARE NOT TO BE HIRED. The license status of Contractor, Electrician or Plumber may be looked up - verified at: <https://secure.lni.wa.gov/verify>
- b. Department of Revenue Business Records Database:
Go to: <https://dor.wa.gov/> and click “look up a business” in the “I want to…” window.
- c. Verify Workers’ Compensation Premium Status:
<https://secure.lni.wa.gov/verify>
- d. Check for debarment:
[State of Washington](#)

Federal Debarment

It is unlawful to hire any firm to do business with the City that is not registered and in good standing with the US Government. The status of an entity can be checked to see if they have been debarred [HERE](#). The resulting page(s) should be printed out (even if no records were found) and file it with the project paperwork for audit.

3. City of Toppenish Business License

Any business working inside the limits of the City of Toppenish is required to have a current City Business License. This requirement applies to all contractors and subcontractors. Vendors may apply for, renew, and purchase their City of Toppenish Business License from the Department of Revenue at www.dor.wa.gov.

4. Responsible Bidder Verification - In accordance with RCW 39.04.350, a bidder must meet the following responsibility criteria to be considered a responsible bidder and be qualified to be awarded a public works project:

- Be a registered contractor with the State of Washington, verified through Labor and Industries
- Have a current Unified Business Identifier (UBI) number, verified through the Department of Revenue
- Have industrial insurance/workers’ comp coverage, verified through Labor and Industries
- Have a Washington State Employment Security Department (ESD) account, verified by contractors ESD Bid Letter
- Have a state excise tax registration number.
- Not be disqualified from bidding under RCW 39.06.010 or 39.12.065, verified through Labor and Industries debar and strike list.

- Not have any apprenticeship violations, if applicable
- Certify through sworn statement that they are not a willful violator of labor laws.
- Have received training on requirements of prevailing wage and public works projects.
- For federal projects, be registered and in good standing with the US Government, verified through the System for Award Management (SAM) of the US Government

5. Prevailing Wage Requirements

Chapter 39.12 RCW is the **Washington State Public Works Act**, also known as the Prevailing Wage Law. This law requires that workers be paid certain hourly wages for all public work and public service maintenance contracts, **NO MATTER WHAT THE DOLLAR AMOUNT.** Click [HERE](#) for the State’s booklet on Prevailing Wage.

This Prevailing Wage law was enacted to protect the employees of contractors performing public works construction/maintenance from substandard earnings, and to preserve local wage standards.

The Department of Labor and Industries administers the law; the Attorney General prosecutes violators; and the State Auditor ascertains if the City’s policies, practices and procedures meet the requirements of the law.

For public works projects receiving federal funding, contractors must pay the higher of the state or federal wage rates established by the Davis-Bacon Act.

Owner/Operators that do not have any employees do not need to pay themselves prevailing wages; however, **they do still need to file Intentions and Affidavits** with the Department of Labor and Industries and specify on form in the space provided that they are Owner/Operator.

EXAMPLES

Public Work is all work, construction, alteration, repair or improvement that the City has performed at its expense. It includes, but is not limited to:

- Demolition
- Remodeling
- Renovation
- Painting
- Road Construction
- Utilities Construction
- Offsite prefabrication of ducts, liners & steel products for Public Work
- Production & delivery of gravel, rock, concrete & asphalt (to a construction site (not to a stockpile)

Any worker, laborer or mechanic performing public work must be paid prevailing wages. It does not usually apply to work that is clerical, executive, administrative or professional (grant funded projects may be an exception).

DIVISION RESPONSIBILITIES TO ENSURE PREVAILING WAGE LAW IS FOLLOWED:

- 1) **Prior to Getting an Estimate or a Quote** – Notify the contractor that they are required to pay prevailing wages. The contractor may obtain more information from the Department of Labor and Industries (see link to booklet above). A copy of the most recent wage rates listing for Yakima County. The list can also be obtained online at: <https://secure.lni.wa.gov/wagelookup/>
- 2) **After a contractor has been selected** – The contractor is required to file a “Statement of Intent to Pay Prevailing Wages” with the Department of Labor and Industries **PRIOR TO STARTING WORK**. Most contractors file online at: <http://www.lni.wa.gov/TradesLicensing/PrevWage/default.asp>

There is a fee that the contractor will have to Pay L & I, and the completed Intents are also available online. **Note:** The contractor must insert the City Purchase Order number in the contract number box on the form.

- 3) **After the work is completed** – The contractor must also file an “Affidavit of Wages Paid” with the Department of Labor and Industries. There is another fee that the contractor will have to pay to L & I (**L & I has waived the fee for work <\$750.00**), and completed Affidavits are also available online. **Note:** The contractor must insert the City Purchase Order number in the contract number box on the form.

Final payment must not be released by the City until certified intents and affidavits have been posted as approved by L&I on their website.

- 4) **FOR PROJECTS BETWEEN \$20,000 and \$35,000**
The designated purchasing official will take care of all the above requirements utilizing the “Limited Public Works” process, per [RCW 39.04.155\(3\)](#).

G. Formal Competitive Bidding Process

For contracts requiring competitive bids, the City will publish a notice of the call for bids in the official newspaper or a widely circulated newspaper likely to attract responsive bids. This notice will be published at least 13 days before the final date for bid submissions. The advertisement will include clear specifications and procedures for bidders to estimate their bids, along with the following details:

- Time and place for bid openings
- Deadline for bid submissions
- Description of the work to be performed
- Materials and equipment to be provided
- Location where project specifications can be viewed
- Requirement for a bid bond to accompany the bid
- City's right to reject any or all bids and waive minor irregularities in the bidding process

Since prevailing wages must be paid for all public works performed under public contracts, the City will specify

in either the advertisement for bids or the project specifications that the successful bidder must pay prevailing wages for the work. Bid notices for purchasing materials, equipment, and supplies not used in connection with public works do not require a bid bond.

1. Bid Bonds

Bid bonds are mandatory for all public works projects undergoing the competitive bidding process. These bonds ensure that bids are made in good faith and that the bidder will enter into a contract if their bid is accepted. Acceptable bid bonds include a cashier's check, postal money order, letter of credit, surety bond, or similar financial guarantee in a form approved by the City Attorney, amounting to at least 5% of the bid amount, including sales tax. The City will not consider any bid requiring a bid bond unless it is accompanied by an appropriate financial guarantee. Bid bonds are not needed when using small works roster procedures.

After opening the bids, the City will award the contract to the lowest responsible bidder. The City will return bid proposal deposits and/or bid bonds to all unsuccessful bidders. The successful bidder's bid bond will be retained until they execute a contract for the work and provide a performance bond for the full contract price.

If the successful bidder does not sign a contract with the City or fails to provide a performance bond within 10 days of being notified of the bid's acceptance, the City reserves the right to keep the bid bond, reject the bidder, and either award the contract to the second lowest responsible bidder or re-advertise the project

2. Performance Bonds

The City will require a performance bond for all public works contracts to ensure the job is completed and all workers, subcontractors, and suppliers are paid. The successful bidder must provide the performance bond in a form and amount approved by the City Attorney within 10 days of being selected by the city.

3. Bid Opening and Award

The city will open bids at the specified place, date, and time mentioned in the bid package. If the bid is complex and requires city council action to award the contract, city staff may summarize the bids before presenting them to the council. When council action is needed, staff will help the council determine the lowest responsible bidder. The city must award the bid to the lowest responsible bidder or reject all bids. The city is not allowed to negotiate with any of the bidders.

4. Bid Rejection

The City reserves the right to reject any bid that does not substantially comply with the bid documents, specifications, or any prescribed public bidding procedures or requirements. Additionally, the city may reject any or all bids for good cause if it is determined to be in the public interest.

5. Solicitation or Bid Appeals or Protests

Bidders may appeal or protest a proposal solicitation or contract award issued by the City, provided they strictly follow the procedures outlined below. Before the deadline for submitting bids or proposals, bidders may appeal or protest specifications, terms, or requirements. After the deadline, bidders may appeal or protest the award or pending award to the apparent low bidder or the selection of the most advantageous proposal. The appeal or protest must:

- Be in writing
- Explicitly identify itself as an appeal or protest
- Clearly identify the bid/project/request being appealed or protested
- State all reasons and bases in law and fact supporting the appeal or protest, including any specifications, terms, requirements, or conditions to which the vendor objects
- Include all supporting documents
- Be filed with the City Clerk

All appeals or protests regarding a purchase specification, term, condition, or requirement must be received by the City Clerk no later than 7 calendar days before the bid or proposal submission deadline. Appeals or protests concerning an award or pending award must be received by the City Clerk no later than 5 business days after the City awards the contract or selects the most advantageous proposal.

Appeals or protests will not be heard or considered if these deadlines are not met. The City reserves the right to proceed with executing a contract and any related actions without notifying the appellant/protestor, regardless of any pending appeal or protest.

A bidder's initial appeal or protest will be reviewed by the City Manager, City Attorney, the department head of the procuring department, and the City Clerk. The decision will be based on the written appeal or protest, supporting documents, and other relevant information. A meeting or conference with the appellant or protestor will only occur if the City Manager determines it would materially assist in resolving the issue. Only the issues raised in the initial written appeal or protest filed with the City Clerk will be considered. The City will issue a written decision within 10 business days after the initial appeal or protest is filed. The city may extend the decision time if more time is needed.

An appellant or protestor may appeal the City's decision on an appeal or protest to the City Council by following the procedures outlined in this section. The appeal must state the legal and factual basis for the appeal, include a copy of the initial appeal or protest, and the resulting City decision being appealed. The appeal should also indicate whether the appellant requests the opportunity to present an oral argument to the City Council. The Council will not consider any issues not raised in the initial appeal or protest. At its discretion, the Council may allow the appellant to present an oral argument if it finds that such a presentation would materially aid in resolving the appeal. The Council may form a committee of fewer than the entire Council to consider the appeal and recommend a decision to the full Council. The Council's decision will be in writing and will be final and binding.

6. Day Labor

The city can use its own employees for public works projects with estimated costs up to \$75,500 for single craft projects and \$150,000 for multiple craft projects. The city must report to the State all public works performed by day labor that exceed \$5,000 per year.

7. Unit Priced Contracts

The City may use competitively bid unit-priced contracts for public works projects with estimated costs up to \$75,500 for single craft projects and \$150,000 for multiple craft projects. A unit-priced contract is suitable if the public works are expected to recur to meet the City's business or operational needs. Under such a contract, the contractor agrees to a one-year period with an indefinite quantity of work at a defined unit price for each category of work. The master Unit Priced Contract must be awarded through Formal Competitive Bidding, typically on an annual basis with optional renewals, where the maximum contract amount and unit-based prices are determined. These contracts are commonly used for the repair, renovation, and maintenance of public facilities.

8. Vendor List

For purchasing supplies, materials, or equipment costing \$20,000 or less that are not intended for use in any public work or improvement, the City may choose to use an informal vendor list to obtain quotes and award contracts.

As authorized by RCW 39.01.190, a vendor list is a directory of vendors interested in selling equipment, materials, and supplies to the agency. The City has contracted with the Municipal Research and Services Center of Washington to provide a vendor roster. The City will collect quotes from at least three vendors, if possible, and award the contract to the lowest responsible bidder. Written, phone, online, and other informal quotes are permitted.

9. Small Purchase Process

For purchasing supplies, materials, or equipment costing \$7,500 or less that are not intended for use in any public work or improvement, there is no requirement to seek multiple quotes, although it is encouraged. Written, phone, online, and other informal quotes are permitted.

10. Architectural and Engineering Services

Architectural and Engineering services are initially selected based upon the qualifications and performance data of the firm, rather than price as outlined in RCW 39.80. The City will negotiate a contract with the most qualified firm at a price which the City determines is fair and reasonable. In making its determination, the City shall consider the estimated value of the services to be rendered as well as the scope, complexity, and professional nature. If the City is unable to negotiate a satisfactory contract with the firm selected at a price the City determines to be fair and reasonable, negotiations shall be terminated, and the City shall begin negotiations with the next highest qualified firm. The city will either publish an announcement each time the service is needed or will announce generally to the public the City's projected requirements for any category or type of engineering or architectural service. The city need not change firms every year but may continue to hire the same engineer if that person or firm is the most qualified.

11. Telecommunications and Data Processing

When purchasing telecommunications and data processing equipment or software costing above \$20,000 the City may follow a competitive negotiation process as an alternative to the bid process, as stated in RCW 39.04.270. Follow RFP process outlined in section F, page 20.

12. Professional or Personal Services

A competitive process is not required for professional or personal services, other than professional engineering or architectural services and the official newspaper.

13. Ordinary or Purchased Services

Ordinary or Purchased Services are those provided by vendors for routine, necessary and continuing functions of a local agency, mostly relating to physical activities. Examples of Ordinary or Purchased Services are delivery/courier services, janitorial services, landscaping, and other routine maintenance services. These services may require payment of prevailing wages.

14. Emergency

If an emergency exists, the City Manager or the appropriate department head is authorized to act and will seek a resolution from Council within 2 weeks that will:

- Declare or confirm that an emergency situation exists.
- Waive competitive bidding requirements for purposes of responding to the emergency situation; and
- Authorize, on behalf of the City, the execution of any contract necessary to address an emergency situation, including, but not limited to, architectural and engineering services.

Change Orders

1. Change orders result from unforeseen or changed conditions; added or deleted scopes of work; or design errors or omissions. A change order is only appropriate to change a project in a manner consistent with the original bid specifications.
2. Change orders generally must meet all of the following criteria:
 - a. The modified job will consist essentially of the same work in the same general location as the original contract.
 - b. The project, as ultimately constructed, will be essentially the same as the original project.
 - c. The change order will not alter the nature of the project.
3. The City Manager may approve and sign construction change orders subject to the following four conditions:
 - a. The change order does not substantially change the scope of the project.
 - b. The total increase or decrease in the contract amount, as a result of the change order, does not exceed fifteen percent (15%) for contracts under \$100,000 or ten percent (10%) for contracts over \$100,000 of the total costs stated in the original approved contract; provided however that no individual change order shall exceed \$25,000.

- c. The total contract amount as adjusted by the change order is within the amount budgeted for the project or the finance officer has approved a budget adjustment.
 - d. The approved change order is presented at the next regularly scheduled City Council meeting so that the Council is informed of the City Manager's actions.
4. If the change order is unable to meet the conditions as outlined above, the City Manager shall submit the change order to the City Council for recommendation of approval.



The Legal Department must review and the City Manager must sign all Professional Service Contracts, regardless of dollar amount.

Examples:

- Medical and Dental
- Legal Services
- Management Consulting
- Accounting and Auditing
- Real Estate Broker



IX. FREIGHT

1. Shipping Terms

Whenever there are items to be shipped item that will incur freight charges, it is always appropriate to request that they be shipped *FOB destination, freight prepaid*. What this means is that the vendor from whom the items/merchandise were ordered owns it until it reaches the city's door and there won't be a separate invoice for freight. If anything should happen to the items or merchandise during shipping, the vendor (not the City) is responsible for filing the claims with the carrier.

FOB determines at what point the ownership transfers. If an item is *FOB origin*, the City owns the merchandise from the point of shipping while it is in transit.

Freight prepaid or collect refers to who is responsible for paying shipping charges - the City or the seller.

2. Receiving Freight

It is the responsibility of the individual who signs for the Carrier's delivery receipt to properly receive all cartons they are signing for. Anyone who accepts and signs for receipt of goods, acknowledges that the item was received and accepted as delivered, including the following:

a. Confirm the contents are consistent with the order

- 1) Confirm the package or carton is being delivered to the proper location.
- 2) Verify the number of cartons, crates or pieces is correct according to quantities on the packing slip.
- 3) Sign the delivery slip legibly so that we can track who did the receiving.
- 4) Open packages and verify the order is correct.

3. Damaged Cartons

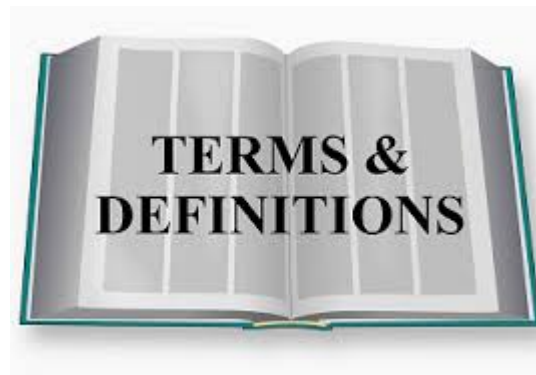
a. Visible Damage

Any person receiving freight must make a notation on the Carrier's delivery receipt of apparent damage to packages. This includes stating the specific type of evident damage on the delivery receipt and obtaining the driver's signature (not just initials) on the recipient's copy of the receipt.

b. Concealed Damage

If the shipment of goods received showed no sign of damage upon receipt, but damage to the contents is found upon opening, concealed damage exists. In that case, the following should be done:

- 1) Call the Carrier immediately upon discovery of the damage and request an inspection. Notate the date and the person contacted.
- 2) Notify the vendor to file a claim.
- 3) All shipping cartons should be retained for inspection on any damage.
- 4) When making a request for an inspection, advise the Carrier whenever possible on the value of the damaged goods. If the value is less than \$50.00, most carriers will frequently waive inspection. Indicate the person contacted on the claim form.
- 5) When an inspection is made, specific damages should be notated by both parties and signed by both on the inspection report. Send the report to the vendor.



DEFINITIONS

Acknowledgment -- A form used by a vendor to advise a purchaser that his order has been received. It usually implies acceptance of the order.

ARO -- After receipt of order.

As Is -- A term indicating that goods offered for sale are without warranty or guarantee. The purchaser has no recourse on the seller for the quality or condition of the goods.

Bill of Lading -- A carrier's contract and receipt for goods by which he agrees to transport from one place to another and to deliver to a designated person.

Capital Outlay -- Fixed assets of which the value exceeds \$5,000 including freight and tax.

Cash Discount -- A discount offered to the City to encourage payment of an invoice on or before its due date.

Change Order -- Purchaser's written authority to the supplier to modify or add to a purchase order. Change orders are created by designated purchasing official (other than Capital Improvements).

Contract -- A contract is a legally binding and enforceable agreement between two or more parties stating the terms and conditions for an exchange of something of value (usually money, goods, or services) between the parties. A contract can take many different forms, ranging from major, heavily negotiated written contracts to a simple purchase order or telephone order for goods or services. The City Attorney of Legal Department should be contacted if there is uncertainty as to the need for a written contract and how to go about it. Only the City Manager of the City of Toppenish has the authority to sign contracts UNLESS that authority has been delegated to an individual via an approved Resolution.

Controlled Commodity -- Items which may fall under the quote dollar limit that require approval from designated people, e.g. office products, communication equipment and computer equipment. Controlled commodities are items that are subject to export control regulations due to their potential impact on national security, foreign policy, or economic interests. These items are listed on the Commerce Control List (CCL), which is maintained by the Bureau of Industry and Security (BIS) under the U.S. [Department of Commerce](#)¹.

Emergency Purchases -- Emergency purchases occur when an emergency situation arises that was unforeseen and must be remedied immediately.

Expediting -- Attempt to reduce the contractually agreed upon delivery time of a product.

F.O.B. (Free (or Freight) on Board) -- The stated F.O.B. point is usually the location where title to the goods passes from the seller to the buyer. The seller is liable for transportation charges and the risks of loss or damage to the goods up to the point where title passes to the buyer. The buyer is liable for such charges and risks after passing of title.

Lead Time -- The period of time from date of ordering to the date of delivery which the buyer must reasonably allow the vendor to prepare goods for shipment.

Ordinary Services -- The furnishing of labor, time, or effort by a contractor or vendor, not involving the delivery of any specific end product, other than reports that are incidental to the required performance or general service work performed such as backhoe, landscape, Janitorial, window washing, repairs to things other than personal property, training, surveys, etc.

Packing List -- A document which itemizes in detail the contents of a particular package or shipment.

Payment Discount -- See Cash Discount.

Personal Service Contract -- An employment contract with an independent contractor for the

rendering of personal services to the City. The City Manager must sign all Personal Service Contracts.

Prepaid -- Transportation charges that have been or are to be paid at the point of shipment.

Professional Service Contract -- An agreement with an independent contractor for the rendering of professional services to the City. The City does not provide direction to the provider. The City states a goal and objective and the provider, under his own direction, accomplishes the goal.

Public Work -- A project including all work, construction, alteration, repair or improvement other than ordinary maintenance executed at the cost of the City.

Request For Proposals -- Similar to the formal bid process, except that factors other than price are used to award the contract.

Sealed Bid (Formal Bid) -- An advertised solicitation for a requirement in which the cost exceeds the \$50,000 bid limit. The bids are opened during a public opening.

Specification -- A clear, complete, and accurate statement of the technical requirements descriptive of a material, an item, or a service.

Standardization -- When it is necessary to standardize to one type of item because of uniformity or interchangeable parts issues. Authorization for standardization is obtained from the designated purchasing official.

Visible Damage -- Broken cartons, crushed or wet cartons, or markings which indicate that the shipment of goods may have received rough treatment in transit with consequent damage to the contents.

Associated Laws

Washington State [Chapter 39.04 RCW: PUBLIC WORKS](#)

Washington State [RCW 39.04.010: Definitions of Public Works.](#)

Washington State [Chapter 39.04.155 RCW Dispositions: PUBLIC WORKS](#) (small works Roster and Limited public works.

Washington State [RCW 39.04.280: Competitive bidding requirements—Exemptions/emergency contracting.](#)

Washington State [Chapter 39.10 RCW: ALTERNATIVE PUBLIC WORKS CONTRACTING PROCEDURES](#)

Washington State [Chapter 39.12 RCW: PREVAILING WAGES ON PUBLIC WORKS.](#)

Washington State [Chapter 39.34 RCW: INTERLOCAL COOPERATION ACT.](#)

Washington State [Chapter 39.80 RCW: CONTRACTS FOR ARCHITECTURAL AND ENGINEERING SERVICES.](#)

Meeting Date: February 23, 2026

Subject: AB 26-21: [Proposed] Resolution No. 2026-07 Amending Task Order with Connetix Engineering for WWTP Services.

Attachments:

1. Resolution No. 2026-07 Connetix Task Order Amendment No. 1 for WWTP Services
2. TaskOrder2026-01 - Amendment 01

Presented By: Dan Musgrave, Public Works Supervisor

Approved for Dan Ford, City Manager

Agenda By:

Discussion:

The City of Toppenish previously entered into a Task Order with Connetix Engineering, Inc. (Connetix) to provide electrical engineering services for improvements to our Wastewater Treatment Plant (WWTP). These services include upgrades to our equipment that are required by the Administrative Order the United States Environmental Protection Agency (EPA) have placed on Toppenish. The prior Task Order stated that the City would directly acquire the hardware equipment from Total Energy Management, however, due to the cost and project scope these items need to be purchased through Connetix, the amendment includes the purchase of these items and the labor associated with their install and start-up. While the cost of \$56,278.62 was previously discussed at the January 26, 2026, Regular Meeting, the amendment proposed tonight formalizes those costs through Connetix at a total not-to-exceed value of \$170,188.86.

Fiscal Impact:

The task order amendment services and parts will be paid by the Wastewater Operating Fund. The Finance Director has reviewed this item.

Recommendation:

Approve Resolution No. 2026-07 Authorizing the City Manager to sign Connetix Task Order Amendment No. 1 for WWTP technology services.

Alternatives:

RESOLUTION NO. 2026-07

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TOPPENISH, WASHINGTON, APPROVING TASK ORDER
AMENDMENT NO. 1 TO CONNETIX ENGINEERING INC TASK ORDER
NO. 2026-01 FOR SERVICES ASSOCIATED WITH THE WASTEWATER
TREATMENT PLANT CONTROL SYSTEMS, SOFTWARE, AND
HARDWARE**

WHEREAS, the City of Toppenish (City) is currently undergoing efforts to repair and upgrade the City's wastewater treatment plant (WWTP) and are in need of design work, new hardware, and new software; and,

WHEREAS, Connetix Engineering Inc. (Connetix) is a company on the City's roster to provide various Supervisory Control and Data Acquisition (SCADA) and Telemetry services; and,

WHEREAS, the City previously entered into a Task Order with Connetix for the needed work under Resolution No. 2026-03; and,

WHEREAS, the initial task order did not properly indicate the acquisition of hardware and labor costs for the needed improvements to meet the United States Environmental Protection Agency's Administrative Order; and,

WHEREAS, Connetix has provided an amendment to their task order to clarify costs and include labor the hardware installation for a total project cost of \$170,188.86 from the initial \$116,278.62 under the initial task order.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TOPPENISH, WASHINGTON AS FOLLOWS:

Section 1. Approval: Connetix Task Order Amendment No. 1 between the City of Toppenish and Connetix is approved. The City Manager is authorized and directed to execute said task order and any appropriate documents in furtherance thereof on behalf of the City.

Section 2. Corrections: The City Clerk is authorized to make necessary corrections to this Resolution, including, but not limited to, the correction of scrivener's/clerical errors, references, Resolution numbering, section/subsection numbering, and any references thereto.

Section 3. Effective Date: This Resolution shall be effective immediately upon passage and signatures hereto.

PASSED by the Toppenish City Council at its regular meeting held on February 23, 2026.

ELPIDIA SAAVEDRA, Mayor

ATTEST:

HEIDI RIOJAS, CMC, City Clerk

APPROVED AS TO FORM:

DANIEL B. HEID, City Attorney



TASK ORDER NO. 2026-01- Amendment 1

PROJECT DESCRIPTION:

The City of Toppenish has initiated a project to replace the aging and slowly dying control systems at the City's Wastewater Treatment Facility. This includes replacement of the SLC 5/05 PLCs as well as the HMI computer and software package.

The purpose of this amendment is to bring the purchase of hardware and labor services from Total Energy Management and the purchase of network switching hardware into the scope of the task order.

SCOPE OF SERVICES:

In addition to the previously approved scope for Task Order No. 2026-01, Connetix Engineering, Inc. (CEI) shall provide the following additional services and hardware:

Design:

- No changes

Coordination:

- CEI will purchase, and resell to the City, the PLC hardware and installation services from Total Energy Management.
 - *Note that CEI is aware that at the previous council meeting the purchase of this hardware was approved. It was, however, not included in the original task order language and is being added to this amendment for completeness.
- CEI will purchase, and resell to the City, the network switches and associated mounting hardware, interconnecting cables, and UPS equipment.

SCADA Programming:

- No changes

SCHEDULE:

- No changes

FEE:

CEI proposes to amend the previously agreed upon fee of \$60,000 NTE to add \$110,188.86 to cover the additional costs as noted above. This would bring the entire fee to \$170,188.86 as "Not To Exceed".

FEE BREAKDOWN:

Item	Budget/Amount Paid
Total Energy Management – PLC Hardware (already purchased by TEM)	*\$60,781
Total Energy Management – Installation Services	\$11,578
Network Switching Equipment – Ubiquiti (already purchased by CEI)	\$9,368.23
Network Switching Equipment – CDW (already purchased by CEI)	\$1,481.63
Task Order 1 Original	\$60,000
Task Order 1 Sales Tax	**\$4,980
Contingency (15% rounded down to nearest thousand)	\$22,000
Total	\$170,188.86


* Previously approved, but not included in the paperwork

** Washington state ESSB 5814 requires Sales Tax on SCADA programming work. We have recently understood that this law applies to our work and are amending our contractions to include sales tax on such work.

Accepted By:

Connetix Engineering, Inc

City of Toppenish


 Title: President, PE
 On: 2026-02-18

Title: _____
 On: _____

CC: Job File / Chron File

Meeting Date: February 23, 2026

Subject: AB 26-22: [Proposed] Resolution No. 2026-08 Approving Purchase of SCADA Software for the WWTP.

Attachments: 1. Resolution No. 2026-08 Inductive Automation Software Purchase
2. Inductive Automation Software Quote

Presented By: Dan Musgrave, Public Works Supervisor

Approved for Dan Ford, City Manager

Agenda By:

Discussion:

The City of Toppenish is currently undergoing efforts to repair and upgrade portions of the City's Wastewater Treatment Plant (WWTP) after a catastrophic failure in early 2025. As a part of the repairs required by the United States Environmental Protection Agency (EPA) we are required to upgrade the hardware and software related to Supervisory Control and Data Acquisition (SCADA). Due to the small timeframe we have from the EPA's Administrative Order to complete the hardware installation and begin operating the new system Inductive Automation has been identified as the available software service provider needed to meet the necessary requirements.

Inductive Automation has provided a quote for their software program at a cost of \$29,827.48, with the following yearly plan being approximately \$4,603.00 thereafter. It should be noted that the software is a necessary component to programming the hardware which must be done prior to installation to meet the EPA's Administrative Order.

Fiscal Impact:

The software purchase will be paid by the Wastewater Operating Fund. The Finance Director has reviewed this item.

Recommendation:

Approve Resolution No. 2026-08 Authorizing the City Manager to purchase SCADA software from Inductive Automation for the Wastewater Treatment Plant.

Alternatives:

RESOLUTION NO. 2026-08

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TOPPENISH, WASHINGTON, APPROVING THE PURCHASE OF
SUPERVISORY CONTROL AND DATA ACQUISITION SOFTWARE
FROM INDUCTIVE AUTOMATION FOR WASTEWATER TREATMENT
PLANT OPERATIONS**

WHEREAS, the City of Toppenish (City) is currently undergoing efforts to repair and upgrade the City's wastewater treatment plant (WWTP) and are in need of design work, new hardware, and new software; and,

WHEREAS, Supervisory Control and Data Acquisition (SCADA) services are necessary and required by the United States Environmental Protection Agency's (EPA) Administrative Order; and,

WHEREAS, Inductive Automation is the readily available supplier of the necessary software for Toppenish to be able to meet the requirements of the EPA Administrative Order's deadline for operations; and,

WHEREAS, Inductive Automation's software has an initial cost of \$29,827.48 with yearly subscription costs thereafter of approximately \$4,600.00.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TOPPENISH, WASHINGTON AS FOLLOWS:

Section 1. Approval: Inductive Automation's quote for SCADA software services is approved. The City Manager is authorized and directed to execute said software purchase and any appropriate documents in furtherance thereof on behalf of the City.

Section 2. Corrections: The City Clerk is authorized to make necessary corrections to this Resolution, including, but not limited to, the correction of scrivener's/clerical errors, references, Resolution numbering, section/subsection numbering, and any references thereto.

Section 3. Effective Date: This Resolution shall be effective immediately upon passage and signatures hereto

PASSED by the Toppenish City Council at its regular meeting held on February 23, 2026.

ELPIDIA SAAVEDRA, Mayor

ATTEST:

HEIDI RIOJAS, CMC, City Clerk

APPROVED AS TO FORM:

DANIEL B. HEID, City Attorney

Quote #1397881

Quote valid: October 7, 2025 - February 28, 2026
Payment Terms: Net 30

Customer Information Required: inductiveautomation.com/customer-information

Bill To:

City of Toppenish
Daniel Musgrave
501 Annahat Road
Toppenish, WA 98948
US

Ship To:

City of Toppenish
Daniel Musgrave
501 Annahat Road
Toppenish, WA 98948
US

Product
Price
Qty
Total
Ignition Custom Package

This license is perpetual. Includes:

- Ignition Platform
- OPC UA Server Module
- Core Drivers
- Serial Module - Client
- Serial Module - Gateway
- Alarm Notification Module
- Twilio Alarm Notification
- Perspective Module
- Symbol Factory
- Reporting Module
- Industrial Historian Suite
 - SQL Historian
 - Historian Core

\$23,015.00

1

\$23,015.00

TotalCare Support Plan: Toppenish, WA

Term: Oct 07, 2025 - Jan 05, 2027

Includes 90 days of free Post-Sales Support

\$4,603.00

1

\$4,603.00

Get peace of mind for the entire year with phone, email, and web access to our technical support reps, free software upgrades, and 10% discounts on training courses.

Price

\$27,618.00

Subtotal

\$27,618.00

Sales Tax

\$2,209.48

THIS QUOTE, AND ANY RELATED SALE, IS NULL AND VOID IF ALTERED IN ANY MANNER BY ANYONE OTHER THAN AUTHORIZED INDUCTIVE AUTOMATION PERSONNEL. THIS QUOTE IS VALID ONLY TO THE PARTY TO WHOM IT IS ISSUED AND IS NOT VALID AND MAY NOT BE TRANSFERRED TO ANY OTHER PARTY

Quote #1397881

Quote valid: October 7, 2025 - February 28, 2026
Payment Terms: Net 30

Customer Information Required: inductiveautomation.com/customer-information

Total

\$29,827.48 USD

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Quote #1397881

Quote valid: October 7, 2025 - February 28, 2026
Payment Terms: Net 30

Customer Information Required: inductiveautomation.com/customer-information

Comments

The software is delivered electronically.

Shane Miller
Inductive Automation
Senior Account Manager
800.266.7798 x218
smiller@inductiveautomation.com

Notes

This quote was generated on October 7, 2025
Please fill out the Customer Information Form at
inductiveautomation.com/customer-information to
complete your order.

THIS QUOTE, AND ANY RELATED SALE, IS NULL AND VOID IF ALTERED IN ANY MANNER BY ANYONE OTHER THAN AUTHORIZED INDUCTIVE AUTOMATION PERSONNEL. THIS QUOTE IS VALID ONLY TO THE PARTY TO WHOM IT IS ISSUED AND IS NOT VALID AND MAY NOT BE TRANSFERRED TO ANY OTHER PARTY

Quote #1397881

Quote valid: October 7, 2025 - February 28, 2026
Payment Terms: Net 30

Customer Information Required: inductiveautomation.com/customer-information

The products and services purchased under this quote ("Quote") by Inductive Automation, LLC ("Inductive Automation") are solely governed by and subject to, as applicable: (i) the Master Software License Agreement available at <https://inductiveautomation.com/ignition/license> (the "License Agreement"); (ii) the Maintenance and Support Terms at (the "Support Terms") available at <https://inductiveautomation.com/support/maintenance-support-terms>; (iii) the Training Services Agreement available at <https://inductiveautomation.com/support/training-services-agreement> (the "Training Agreement", and, together with this Quote, the License Agreement, and the Support Terms, the "Purchase Agreement"); and (iv) any pre-existing additional terms and conditions, including Separately Signed Terms (as defined in the License Agreement), to the extent you and Inductive Automation previously entered into such additional terms and conditions which apply to your purchases of products or services from Inductive Automation under this Quote ("Pre-Existing Terms").

Notwithstanding anything to the contrary in any other documents, the Purchase Agreement is the exclusive agreement governing the software, documentation, support services, and training services that you are purchasing from Inductive Automation under this Quote, and supersedes any other agreement or purported terms of any type (other than Pre-Existing Terms), including, without limitation, the terms of any customer-issued purchase order, business form (such as automated or "click through" terms in a billing platform) or similar document (collectively, "Customer Terms"), even if you require Inductive Automation to acknowledge or to accept the same as part of a vendor onboarding process, payment issuance process, or otherwise. Customer Terms will not amend or modify this Agreement and are expressly rejected by Inductive Automation; any of these Customer Terms are for administrative purposes only and have no legal effect.

Signatures

By signing this Order form, I certify that I am authorized to sign on behalf of City of Toppenish and agree to the Terms and Conditions of this Order Form and any documents incorporated herein.

City of Toppenish

Inductive Automation

Signature: _____
 Printed Name: _____
 Title: _____
 Date: _____

Signature: Dana Vasko
 Printed Name: Dana Vasko
 Title: Co-Director of Sales - Operations
 Date: February 14, 2026

THIS QUOTE, AND ANY RELATED SALE, IS NULL AND VOID IF ALTERED IN ANY MANNER BY ANYONE OTHER THAN AUTHORIZED INDUCTIVE AUTOMATION PERSONNEL. THIS QUOTE IS VALID ONLY TO THE PARTY TO WHOM IT IS ISSUED AND IS NOT VALID AND MAY NOT BE TRANSFERRED TO ANY OTHER PARTY