

RESOLUTION NO. 275

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, REPEALING RESOLUTION NO. 186 AND IMPLEMENTING LEGISLATIVE CHANGES REGARDING THE ESTABLISHMENT OF A SMALL WORKS ROSTER PROCESS TO AWARD PUBLIC WORKS CONTRACTS

WHEREAS, the Washington State Legislature in Chapter 138, Laws of 2000, amended the laws regarding contracting for public works by municipalities, allowing certain contracts to be awarded by a small works roster process; and

WHEREAS, in order to be able to implement small works roster processes, the City of University Place is required by law to adopt a resolution establishing specific procedures;

THE CITY COUNCIL OF UNIVERSITY PLACE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Resolution No. 186 Repealed. Resolution No. 186 is hereby repealed.

Section 2. Small Works Roster Procedures Established. The following small works roster procedures are established for use by the City of University Place, pursuant to RCW 35.22.620 and RCW Chapter 39.04.

1. Cost. The City need not comply with formal sealed bidding procedures for the construction, building, renovation, remodeling, alteration, repair, or improvement of real property where the estimated cost does not exceed Two Hundred Thousand Dollars (\$200,000.00), which includes the costs of labor, material, equipment and sales and/or use taxes as applicable. Instead, the City may use the small works roster procedures for public works projects as set forth herein. The breaking of any project into units or accomplishing any projects by phases is prohibited if it is done for the purpose of avoiding the maximum dollar amount of a contract that may be let using the small works roster process

2. Number of Rosters. The City may create a single general small works roster, or may create a small works roster for different specialties or categories of anticipated work. Said small works rosters may make distinctions between contractors based upon different geographic areas served by the contractor.

3. Contractors on Small Works Roster(s). The small works roster(s) shall consist of all responsible contractors who have requested to be on the roster(s), and where required by law are properly licensed or registered to perform such work in this state. Contractors desiring to be placed on a roster or rosters must keep current records of any applicable licenses, certifications, registrations, bonding, insurance, or other appropriate matters on file with the City as a condition of being placed on a roster or rosters.

4. Publication. At least twice a year, the Public Works Department shall publish in a newspaper of general circulation within the jurisdiction a notice of the existence of the roster or rosters and solicit the names of contractors for such roster or rosters. Responsible contractors shall be added to an appropriate roster or rosters at any time that they submit a written request and necessary records. The City may require master contracts to be signed that become effective when a specific award is made using a small works roster. An interlocal contract or agreement between the City of University Place and other local governments establishing a small works roster or rosters to be used by

the parties to the agreement or contract must clearly identify the lead entity that is responsible for implementing the small works roster provisions.

5. Telephone or Written Quotations. The City shall obtain telephone, written or electronic quotations for public works contracts from contractors on the appropriate small works roster to assure that a competitive price is established and to award contracts to the lowest responsible bidder, as defined in RCW 43.19.1911, as follows:

a) A contract awarded from a small works roster need not be advertised. Invitations for quotations shall include an estimate of the scope and nature of the work to be performed as well as materials and equipment to be furnished. However, detailed plans and specifications need not be included in the invitation. This paragraph does not eliminate other requirements for architectural or engineering approvals as to quality and compliance with building codes.

b) Quotations may be invited from all appropriate contractors on the appropriate small works roster. At a minimum, however, quotations will be invited from at least five contractors on the appropriate small works roster who have indicated the capability of performing the kind of work being contracted, in a manner that will equitably distribute the opportunity among the contractors on the appropriate roster. Once a bidder has been offered an opportunity to bid, that bidder is not to be offered another opportunity to bid until all other appropriate contractors on the roster have been offered such an opportunity.

c) If the estimated cost of the work is from \$100,000 to \$200,000, the City must also notify the remaining contractors on the appropriate small works roster that quotations on the work are being sought. The City has the sole option of determining whether this notice to the remaining contractors is made by:

- (i) Publishing a notice in the legal newspaper for the City;
- (ii) Mailing a notice to these contractors; or
- (iii) Sending a notice to these contractors by facsimile or other electronic means.

d) For purposes of this resolution, "equitably distribute" means that the City may not favor certain contractors on the appropriate small works roster over other contractors on the appropriate small works roster who perform similar services. At the time bids are solicited, the City representative shall not inform a contractor of the terms or amount of any other contractor's bid for the same project;

e) A written record shall be made by the City representative of each contractor's bid on the project and of any conditions imposed on the bid. Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry. Copies of all quotes received are to be submitted to the Finance Department for inclusion with vendor records to ensure compliance with contract and audit requirements.

f) A list of the small works contracts awarded will be posted at least once every two months by the Finance Department.

f) At least once every year the Finance Department shall prepare a list of the contracts awarded under the small works roster process, to be furnished to the City Council and made available to the general public. The list shall contain the name of the contractor or vendor awarded the contract, the amount of the contract, a brief description of the type of work performed or items purchased under the contract, and the date it was awarded. The list shall also state the location where the bid quotations for these contracts are available for public inspection.

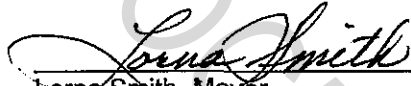
6. Determining Lowest Responsible Bidder. The City Council shall award the contract for the public works project to the lowest responsible bidder provided that, whenever there is a reason to believe that the lowest acceptable bid is not the best price obtainable, all bids may be rejected and the City Council may call for new bids. In addition to price, the City Council shall take into account the following:

- a) the ability, capacity, and skill of the bidder to perform the contract;
- b) whether the bidder can perform the contract within the time specified by the City;
- c) the quality of the bidder's performance of previous contracts or services; and
- d) the previous and existing compliance by the bidder with laws relating to the contract or services;

7. Award. All of the telephone bids or quotations shall be collected and presented at the same time to the City Council for consideration, determination of the lowest responsible bidder, and award of the contract.

Section 3. Effective Date. This Resolution shall take effect immediately upon adoption.

ADOPTED BY THE CITY COUNCIL ON JULY 10, 2000.



Lorna Smith, Mayor

ATTEST:



Susan Matthew, City Clerk