

CITY OF MILLWOOD, WASHINGTON

Resolution No. 13-05

JUNE 11, 2013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILLWOOD, WASHINGTON, AMENDING THE SMALL PUBLIC WORKS ROSTER PROCESS TO AWARD PUBLIC WORKS CONTRACTS AND A CONSULTING SERVICES ROSTER FOR ARCHITECTURAL, ENGINEERING AND OTHER PROFESSIONAL SERVICES; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, the City of Millwood (the "City"), Spokane County, Washington is a non-charter code city, by virtue of the Constitution and laws of the State of Washington; and

WHEREAS, RCW 39.04.155 and other laws regarding contracting for public works by municipalities, allow 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 is required by law to adopt a resolution establishing specific procedures; and

WHEREAS, RCW 39.80.030 requires that an agency publish in advance that agency's requirement for professional services and that one of the ways to accomplish that notification is to announce generally to the public its projected requirements for any category or type of professional services and request qualification statements to be kept on file with the agency;

WHEREAS, the City Council adopted Resolution 10-09 on July 5, 2010, which in part established establishing the Small Works Public Roster Process for the City to award certain public works contracts; and

WHEREAS, the City Council wishes to amend the Small Works Public Roster Process for the City;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MILLWOOD, WASHINGTON, HEREBY RESOLVE AS FOLLOWS:

Section 1. MRSC Rosters. The City is authorized to contract with the Municipal Research and Services Center of Washington ("MRSC") to adopt for City use those state wide electronic databases for small public works roster and consulting services developed and maintained by MRSC and authorizes the Mayor to sign that contract. In addition, paper and/or electronic rosters may be kept on file by appropriate City departments.

Section 2. Small Public Works Roster. The following small works roster procedures are established for use by the City pursuant to RCW 39.04.155:

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 Three Hundred Thousand Dollars (\$300,000.00), which includes the costs of labor, material, equipment and sales and/or use taxes as applicable. Instead, the City may use the Small Public 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. Publication. At least once a year, on behalf of the City, MRSC 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 appropriate MRSC Roster(s) 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.
3. 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 a contractor who meets the mandatory bidder responsibility criteria in RCW 39.04.350(1) and may establish supplementary bidder criteria under RCW 39.04.350 (2)

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.

b) Quotations may be invited from all appropriate contractors on the appropriate small works roster. As an alternative, quotations may 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. "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.

If the estimated cost of the work is from one hundred and fifty thousand dollars (\$150,000) to three hundred thousand dollars (\$300,000), the City may choose to solicit bids from less than all the appropriate contractors on the appropriate small works roster but must 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 notice in a legal newspaper in general circulation in the area where the work is to be done;

- (ii) mailing a notice to these contractors; or
- (iii) sending a notice to these contractors by facsimile or email.

c) 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;

d) 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.

4. Limited Public Works Process. If a work, construction, alteration, repair, or improvement project is estimated to cost less than thirty-five thousand dollars (\$35,000), the City may award such a contract using the limited public works process provided under RCW 39.04.155 (3). For a limited public works project, the City will solicit electronic or written quotations from a minimum of three contractors from the appropriate small works roster and shall award the contract to the lowest responsible bidder as defined under RCW 39.04.010. After an award is made, the quotations shall be open to public inspection and available by electronic request.

For limited public works projects, the City may waive the payment and performance bond requirements of chapter 39.08 RCW and the retainage requirements of chapter 60.28 RCW, thereby assuming the liability for the contractor's nonpayment of laborers, mechanics, subcontractors, materialmen, suppliers, and taxes imposed under Title 82 RCW that may be due from the contractor for the limited public works project. However, the City shall have the right of recovery against the contractor for any payments made on the contractor's behalf.

The City shall maintain a list of the contractors contacted and the contracts awarded during the previous 24 months under the limited public works process, including the name of the contractor, the contractor's registration number, the amount of the contract, a brief description of the type of work performed, and the date the contract was awarded.

5. Determining Lowest Responsible Bidder. The ~~Council~~ City shall approve the award of 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 may call for new bids. A responsible bidder shall be a registered and/or licensed contractor who meets the mandatory bidder responsibility criteria established by RCW 39.04.350 Chapter 133, Laws of 2007 (SHB 2010) and who meets any supplementary bidder responsibility criteria established by the City.

Prior to an award of the contract to the lowest responsible bidder, the City official responsible for the public work, or his designee, shall complete a bid summary in the form and substance similar to Exhibit "A," attached hereto and incorporated herein by this reference. The bid summary shall be presented to the City Treasurer for review. In

the case of an award of the contract by the City Council, the bid summary shall be completed and presented to the City Council at least two (2) days prior to the City Council meeting in which the contract is proposed to be awarded. In the case of an award of the contract by the Mayor, the bid summary shall be completed and presented to the Mayor at least one (1) day prior to the proposed award of contract.

6. Award. All of the telephone bids or quotations shall be collected and presented at the same time to the Council for consideration, determination of the lowest responsible bidder, and award of the contract. The Mayor or his designee shall present all telephone bids or quotations and recommendation for award of the contract to the lowest responsible bidder to the City Council. However, for public works projects estimated to cost \$5,000 or less, the Mayor shall have the authority to award public works contracts without approval of the City Council, provided that the City Council shall ratify the Mayor's approval at the next regular meeting of the City Council by means of the consent agenda. For public works projects estimated to cost greater than \$5,000, the City Council shall award all public works contracts.
7. Competitive Bidding Exceptions Preserved. The City retains all rights and abilities to contract for public works and/or contract for purchases pursuant to RCW 39.04.280 or any other similar basis allowed by applicable law.

### Section 3. Consulting Services Roster.

1. Consulting Services. Consulting services are professional services that have a primarily intellectual output or product and include architectural and engineering services as defined in RCW 39.80.020.
2. Publication. At least once a year, on behalf of the City, MRSC shall publish in a newspaper of general circulation within the jurisdiction a notice of the existence of the consulting services roster or rosters and solicit statements of qualifications from firms providing consulting services. Such advertisements will include information on how to find the address and telephone number of a representative of the City who can provide further details as to the City's projected needs for consulting services. Firms or persons providing consulting services shall be added to appropriate MRSC 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 consulting services roster.
3. Professional Architectural and Engineering Services. The MRSC Rosters will distinguish between professional architectural and engineering services as defined in RCW 39.80.020 and other consulting services and will announce generally to the public the City's projected requirements for any category or type of professional or other consulting services. The City reserves the right to publish an announcement on each occasion when professional services or other consulting services are required by the agency and to use paper and/or other electronic rosters that may be kept on file by appropriate City departments.



Exhibit "A"

Bid Summary Form

CITY OF MILLWOOD BID SUMMARY

PROJECT: \_\_\_\_\_

BID OPENING DATE: \_\_\_\_\_

<u>Item No.</u>	<u>Description of Bid Item</u>	<u>Engineer's Estimate/ Project Estimate</u>	<u>Bidder #1</u>	<u>Bidder #2</u>	<u>Bidder #3</u>

<u>Bidder Satisfy Responsibility Criteria?</u>	<u>Yes</u> <u>No</u>	<u>Yes</u> <u>No</u>	<u>Yes</u> <u>No</u>
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Reviewed and Approved by City Representative Responsible for Project: \_\_\_\_\_ Date: \_\_\_\_\_

Reviewed and Approved by Treasurer: \_\_\_\_\_ Date: \_\_\_\_\_

Reviewed and Approved by Mayor/Council: \_\_\_\_\_ Date: \_\_\_\_\_