

SULTAN CITY COUNCIL

AGENDA ITEM COVER SHEET

ITEM NO: Consent C 13

DATE: November 15, 2007

SUBJECT: Resolution 07-28 with MRSC for a Small Works and Consultant Roster

CONTACT PERSON: Laura Koenig, City Clerk

ISSUE:

The issue before the Council is the adoption of Resolution 07-28 (Attachment A) which allow the City to participate in the MRSC (Municipal Research Service Center) Shared Roster program.

SUMMARY:

In 1998, the City of Lynnwood created and offered to other jurisdictions a mutual reciprocal interlocal agreement which allowed the jurisdictions to "piggy back" on each others competitively bid contracts for purchases of supplies, materials and other items and to select and use nearly 1,000 contractors and consultants from Lynnwood's Shared Small Works and Shared Architects & Engineers Rosters. In June 2007, the Lynnwood Council decided to discontinue the Shared Small Works Roster and the Shared Architects and Engineers Roster. The "piggy-back" provisions regarding the the reciprocal use of each others competitively bid contracts did not change.

MRSC will take over the operation of the Small Works Roster and the Architects & Engineers Roster effective December 1, 2007. Agencies are required to advertise and update their Small Works and Architect & Engineering Rosters annually. The Resolution and Agency Registration with MRSC allow the City to use their rosters.

The City could elect to create and maintain their own Small Works and Architects & Engineers Rosters. This would require that the City advertise annually, accept applications and maintain a current listing for staff use. This is a time consuming process and the list will be considerably smaller than the one created by MRSC. This will limit the selection staff has to chose from to proceed with projects.

ALTERNATIVES:

1. Participate in the MRSC program which is similar to the existing program the City uses through the City of Lynnwood.
2. Do not participate in the MRSC program. This will require that the City advertise and develop a Small Works and Consultant Roster.

STAFF RECOMMENDATION:

Staff recommends the adoption of Resolution 07-28 which allow the City to use the MRSC Small Works and Consultant Rosters.

MOTION:

Move to authorize the Mayor to sign Resolution 07-28 to participate in the MRSC Small Works and Consultant Roster program.

ATTACHMENTS:

- A. Resolution 07- 28 Small Works and Consultant Roster
 - B. Advance Agency Registration
 - C. Information from MRSC
 - D. Resolution 04-22
-

COUNCIL ACTION:

DATE

**CITY OF SULTAN
SMALL WORKS AND CONSULTANT
ROSTERS RESOLUTION**

Resolution No. 07-28

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SULTAN, WASHINGTON,
ON THE SUBJECTS OF ESTABLISHING A SMALL WORKS ROSTER PROCESS TO
AWARD PUBLIC WORKS CONTRACTS AND A CONSULTING SERVICES ROSTER FOR
ARCHITECTURAL, ENGINEERING AND OTHER PROFESSIONAL SERVICES.

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;

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,.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SULTAN, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Resolution No.07-22 is hereby repealed.

Section 2. MRSC Rosters. The city has contracted with the Municipal Research and Services Center of Washington (MRSC) to adopt for the city use those state wide electronic databases for small works roster and consulting services developed and maintained by MRSC and authorizes city Staff to sign that contract. In addition, paper and/or electronic rosters may be kept on file by appropriate city departments.

Section 3. Small Works Rosters

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 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. **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 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.
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 thousand dollars (\$100,000) to two hundred thousand dollars (\$200,000), 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 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 [governing body] 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 Chapter 133, Laws of 2007 (SHB 2010) and who meets any supplementary bidder responsibility criteria established by the city.
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.

Section 4. Consulting Services Rosters

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.

PASSED this 15th day of November 2007 and signed in authentication of its passage this 15th day of November, 2007.

BENJAMIN TOLSON, MAYOR

ATTEST:

LAURA J. KOENIG, CLERK

APPROVED AS TO FORM:

THOM GRAFSTRA, CITY ATTORNEY



ADVANCE AGENCY REGISTRATION INSTRUCTIONS

- ❖ Fill in the information shown in the attached MRSC ROSTERS CONTRACT.
- ❖ Secure necessary approvals and/or signatures.
- ❖ Arrange for a check to MRSC ROSTERS for agency fee amount or wait to pay online.
- ❖ Mail check for annual fee and this form to:
MRSC ROSTERS
2601 Fourth Avenue, Suite 800
Seattle, WA 98121-1280

❖ Fee Structure

Agency Fees for Statewide Small Works and Consultant Rosters	
Total Capital Expenditures per Year (\$M)	Annual Fee
50+	\$750
25-50	\$500
15-25	\$400
10-15	\$300
5-10	\$200
less than 5	\$100

This fee is based on the total capital expenditures for your agency for the most recent complete fiscal year. Here's how to compute your annual fee:

1. For your most recent complete fiscal year, find (or estimate) total capital expenditures for your agency, [Note: For cities this is the total of BARS code lines 594 and 595. Other agencies have similar BARS code lines.]
2. Find your fee in the table above.

NOTE

When we go 'live', the Contact Person listed will receive an email with information needed to access the online Agency search functions.

MRSC ROSTERS CONTRACT

Through the signature(s) below, on behalf of the City of Sultan, the Agency contracts with the *Municipal Research and Services Center of Washington (MRSC)*, a not-for-profit Washington Corporation, to provide the Agency with small public works and consulting services rosters as allowed by RCW 39.04.155 and Chapter 39.80 RCW (MRSC ROSTERS). The Agency understands that such services are shared with a number of other local government agencies in Washington State in a spirit of cooperation and to provide for more efficient and cost effective services to their citizens.

Signatures

By signing this Contract, the signatories below certify that they have the authority to enter into this Contract, that they agree to payment of fees in accordance with the stated fee schedule and that they agree that the agency shall be bound by and adhere to the Terms and Conditions stated below.

Benjamin Tolson

Name

Mayor

Title

Date

Date

Agency Information

Official Name of Agency City of Sultan

County Location(s) 319 Main Street

Mailing Address PO Box 1199

Agency Web Site www.ci.sultan.wa.us

Contact Person

Name Deborah Knight

Title City Administrator

Email Address Deborah.Knight@ci.sultan.wa.us

Telephone 360-793-2231

Fax 360-793-3344

Alternate Contact Person

Name _____ Laura Koenig _____
Title _____ Clerk/Deputy Finance Director _____
Email Address _____ Laura.koenig@ci.sultan.wa.us _____
Telephone _____ 360-793-2231 _____
Fax _____ 360-793-3344 _____

Annual Fee (from fee schedule) \$ 100

Terms and Conditions

The Agency agrees to use the MRSC ROSTERS to the fullest extent practical for solicitation of quotes and bids from eligible contractors and for requests for proposals from consultants. The Agency understands, however, that such use is not mandatory and no implication of mandatory use is intended through signing of this contract.

The agency agrees to the following:

MRSC Small Works Roster(s)

Agency may use the MRSC Small Works Roster(s) to select contractors for public work projects up to \$200,000 in value or as otherwise limited by ordinance or law.

The Agency is independently responsible for its own and the contractor's compliance with all additional or varying laws and regulations governing purchases, including all selection laws, retainage and bonds, prevailing wages, and any other appropriate requirements.

MRSC, directly or implied, is not a party to any contract for public works construction into which the Agency may enter as a result of the Agency's use of the MRSC Small Works Roster(s).

MRSC will advertise the Roster(s) at least annually on behalf of all Agencies, receive and review contractor applications for compliance with basic statutory eligibility requirements, maintain lists of contractors, and make the lists and applications available to the Agency.

The Agency shall be independently responsible to determine that the selected contractors are responsible contractors according to the decision and opinion of the Agency. MRSC shall make a preliminary determination of compliance with basic statutory eligibility requirements before placing them on the Roster(s), but the

Agency shall make its own determination of contractor responsibility before awarding contracts in whatever manner that the Agency feels is appropriate and consistent with applicable laws and its own policies.

The Agency shall be independently responsible to conduct a quotation or bid process consistent with any ordinance, laws, or requirements of their agency and to issue a contract and/or purchase order directly to the awarded contractor(s).

MRSC does not accept responsibility or liability for the performance of any contractor used by the Agency as a result of use of the MRSC Small Works Roster(s).

The Agency is independently responsible for any payments directly to any contractor that is employed as a result of use of the MRSC Small Works Roster(s).

The Agency hereby agrees to indemnify and hold harmless MRSC, its officers, employees, and agents from any and all claims, actions, costs, damages and expenses of any nature arising out of or in conjunction with any act authorized by this agreement.

MRSC Consulting Services Roster(s)

The Agency agrees to use the MRSC Consulting Services Roster(s) to select architectural, engineering, and other consultants for interviews and contracts in accord with all applicable laws and regulations governing its own purchases to the fullest extent possible, but such use is not mandatory.

The Agency is independently responsible for its own and the consultant's compliance with all additional or varying laws and regulations governing services, including all selection laws and any other requirements as appropriate.

MRSC will advertise the Roster(s) at least annually on behalf of all Agencies, will receive and review a firm's applications for completeness, maintain lists of Architects, Engineers, and other consultants and make the lists, applications, and qualifications available to the Agency. The Agency shall be independently responsible to determine that the selected firms are responsible according to the decision and opinion of the joining agency.

The Agency shall be independently responsible to conduct a consultant selection process consistent with any ordinance, laws, or requirements of the agency and will be independently responsible for issuing a contract and/or purchase order directly to the awarded architects, engineers, and other consulting firm.

MRSC does not accept responsibility or liability for the performance of any architects, engineers, and other consulting firm used by the Agency as a result of this Contract.

The Agency shall be independently responsible for any payments directly to the firm that is employed as a result of this Agreement.

The Agency hereby agrees to indemnify and hold harmless MRSC, its officers, employees, and agents from any and all claims, actions, costs, damages and expenses of any nature arising out of or in conjunction with any act authorized by this Contract.



MRSC Rosters

Let MRSC ROSTERS provide your agency's small public works and consultant rosters! MRSC simply acts as your agency staff to provide these rosters in a way that is efficient and cost effective, using electronic formats and procedures pioneered by the City of Lynnwood, which provided shared rosters for many Puget Sound agencies for a number of years.

MRSC ROSTERS are structured geographically by county or county subarea and will provide - to subscribing agencies - lists and contact information for those contractors and consultants who want to do specific kinds of work for you in your agency's county or county subarea. In addition, we've provided a way for you to solicit quotes or RFQ/RFPs electronically from all or some of these contractors or consultants.

Advantages of Shared Rosters

What is a Small Public Works Roster?

ATTACHMENT C-1

What is a Consultant Roster?

Sample Model Resolution and Advance Agency Registration Instructions

MRSC ROSTERS provides:

- Accept and process electronic applications from contractors for the small public works roster.
- Accept and process electronic applications from consultants for the consultant roster.
- Provide rosters.

Advantages of Shared Rosters

Small public works and consultant rosters very readily become electronic databases, with a wide range of categorical and word search functions that make it easy for an agency to find and notify qualified contractors and consultants when a construction, maintenance, or design project is available for competition. In addition, once they become electronic databases, they can be shared readily among agencies. Almost all local agencies (city, county, school districts, and special districts) can use these rosters.

Advantages to agencies of shared rosters

include:

- Efficiency in government
- Reduced individual agency staffing needs
- Sharing costs with other agencies
- Access to a much larger pool of contractors and consultants
- Ease of electronic search and notification
- More and lower bids from qualified contractors

Advantages to contractors and consultants of shared rosters include:

- Noticeable efficiency in government
- Access to a much larger pool of agencies
- One roster application to many agencies means less burden and lower costs for consultants and contractors

What is a Small Public Works Roster?

Small public works rosters allow public agencies of all types to use a streamlined bid process for public work construction and maintenance projects anticipated to cost up to \$200,000 (RCW 39.04.155). Otherwise, these projects require a formal competitive bid

process, unless the estimated cost is below the agency's bid limits. A full competitive process means newspaper advertisements, a minimum 13 day advertisement period, a formal bid opening, and formal award by the commission or council, all of which is time consuming and expensive.

A small works roster is simply a categorized list (with supporting data) of all responsible contractors who:

- have requested to be on the roster
- are properly licensed or registered in Washington and meet other responsibility criteria
- agree to keep current records of any applicable licenses, certifications, registrations, bonding, insurance, or other appropriate matters on file with the agency

In order to utilize the SWR process, a local government must:

- be expressly authorized by statutes to use the SWR process
- establish a SWR process, policies and/or rules by ordinance or resolution
- advertise at least once a year the existence

- of the SWR and solicit contractors for list
- add responsible contractors to the appropriate roster(s) at any time they submit a written request and necessary records

Advantages for a Public Agency

- Pre-qualified contractors
- More manageable number of bidders
- Greater certainty of interested bidders
- Simpler solicitation through informal notice and even electronic means is allowed
- Possibility for streamlined award and contract administration
- Opportunity to automate

Advantages for Contractors

- Perceived smaller pool of competitors
- Simpler solicitation
- Possibility for streamlined award, contract administration, and payment

What is a Consultant Roster?

Consultant rosters are a means of soliciting requests for qualifications (RFQs) from consulting engineers, architects, and other

professionals that are then kept on file with an agency in accordance with RCW 39.80.040. These RFQs are then reviewed when a consultant is needed to design public works projects of any magnitude, or to perform engineering and architectural studies. The most highly qualified firm is to be selected based on the RFQs on file or through a further request for proposals (RFPs) process.

Again, a consultant roster is simply a categorized list (with supporting data) of all consultants who wish to be considered for work with an agency and who:

- have requested to be on the roster
- are properly licensed or registered in Washington
- agree to keep current qualification statements and records of any applicable licenses, certifications, registrations, bonding, insurance, or other appropriate matters on file with the agency

Sample Model Resolution and Advance Agency Registration Instructions

Sample model resolution for the small public works and consulting services rosters that that you can take to your governing bodies and which authorizes use of the rosters. The resolution incorporates 2007 legislative changes in public works contracting.

[ModelResolution.pdf](#)

Advance agency registration instructions and a Contract that you can take to your governing bodies as needed. If you use this advance registration contract, you do not need to re-register online.

[AgencyContract.pdf](#) The model resolution and contract have been reviewed by MRSC legal consultants, but we welcome an opportunity to discuss any concerns your agency attorney may have. Please note that agencies are contracting with us as a service provider.

Refund Policy

Business listings and agency access to the MRSC Rosters are provided on an annual basis. You may request to have your listing removed from the Roster at any time but the annual

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subscription fee is non-refundable.

Contact Information: 206-625-1300

CITY OF SULTAN
SULTAN WASHINGTON

RESOLUTION 04-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SULTAN, WASHINGTON, REPEALING RESOLUTION 00-15 AND ESTABLISHING NEW PROCEDURES RELATING TO PURCHASING AND PUBLIC WORKS CONTRACTING; ESTABLISHING A VENDOR LIST PROCESS FOR THE PURCHASING OF SUPPLIES, MATERIALS, AND EQUIPMENT AND A SMALL WORKS ROSTER PROCESS TO AWARD PUBLIC WORKS CONTRACTS.

WHEREAS, RCW 39.04.190, regarding purchase of materials, supplies or equipment not connected to a public works project, allows certain purchasing contracts to be awarded by a vendor list process; and

WHEREAS, the Washington State legislature in Chapter 138, Laws of 2000, amended RCW 39.04.155 and other laws regarding contracting for public works by municipalities, allowing contracts to be awarded by a small works roster process; and

WHEREAS; in order to be able to implement the vendor list and small works roster processes, the City Council is required by law to adopt a resolution establishing the specific procedures,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SULTAN, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Purchase of Materials, Supplies or Equipment Not Connected to a Public Works Project in a amount of \$7500 or Less.

The City is not required to use formal or informal sealed bidding procedures or the procedures set forth in this resolution, to purchase materials, supplies or equipment where the cost of same will be under Seven Thousand Five Hundred Dollars (\$7500.00). The City will attempt to obtain the lowest practical price for such goods and services.

Section 2. Purchase of Materials, Supplies or Equipment Not Connected to a Public Works Project in a amount between \$7500.00 and \$15000.00.

When the City desires the purchase materials, supplies or equipment estimated to cost from Seven Thousand Five Hundred Dollars (\$7500.00) to Fifteen Thousand Dollars (\$15,000.00), the following procedures shall used:

1. Publication of Notice. At least twice a year, the City by itself or in association with the City of Lynnwood, under an approved Cooperative Purchasing Agreement, shall publish, in the City's official newspaper, notice of the existence of the City's roster of vendors for materials, supplies, and equipment, and shall solicit names of vendors for the roster.

2. Telephone Quotations. The City shall follow the following process to obtain telephone quotes from vendors for the purchase of materials, supplies, or equipment:

a) A written description shall be drafted of the specific materials, equipment or supplies to be purchased, including the number, quantity, quality and type desired, the proposed delivery date, and any other significant terms of purchase;

b) A City representative shall make a good faith effort to contact at least three (3) of the vendors on the roster to obtain telephone quotes from the vendors on the required materials, equipment or supplies;

c) The City representative shall not share telephone quotation from one vendor with any other vendors solicited for the bid on the materials, supplies or equipment;

d) A written record shall be made by the City representative of each vendor's bid on the materials, equipment and supplies, and of any conditions imposed on the bid by such vendor;

e) The telephone bids or quotes shall be presented to the City Council for consideration with a recommendation for award of the contract to the lowest responsible bidder.

3. Determining Lowest Responsible Bidder. The City shall purchase the materials, equipment or supplies from 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. The following factors, in addition to price, may be taken into account by the City in determining the lowest responsible bidder:

- a) Any preferences provided by law to Washington product and vendors;
- b) The quality of the materials, supplies and equipment to be purchased;
- c) The conformity of the materials, supplies and equipment to the City's specifications;
- d) The purposes for which the materials, supplies and equipment are required;
- e) The times for delivery of the materials, supplies and equipment;
- f) The character, integrity reputation, judgment, experience, and efficiency of the bidder; and
- g) Such information as may have a bearing on the decision to purchase the supplies, materials or equipment.

4. Award. The City Council shall review quotations and recommendation by city staff and award the contract to the lowest responsible bidder. A written record of each vendor's quotation shall be made open to public inspection or telephone inquiry after the award of the contract. Any contract awarded under this subsection need not be advertised.

5. Posting. A list of all contracts awarded under the above procedures shall be posted at City Hall once every two months. The list shall contain the name of the vendor awarded the contract, the amount of the contract, a brief description of the items purchased under the contract and the date it was awarded.

Section 3. Public Works Contracts. The following small works roster procedures are established for use by the City pursuant to RCW 35.22.620 and chapter 39.04 RCW.

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 included the cost 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 by itself or by Cooperative Purchasing Agreement with the City of Lynnwood may create a single general small works roster, or may create a small works roster for different specialties or categories of anticipated work.

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 in this state to perform the work. 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 once a year, the City by itself or in association with the City of Lynnwood, under an approved Cooperative Purchasing Agreement, shall publish in a newspaper of general circulation within the jurisdiction a notice of the existence of the roster or roster(s) and solicit the names of contractors for such roster or roster(s). 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 awarded is made using a small works roster.

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 prices is established and to award contracts t the lowest responsible bidder, as defined in RWC 43.19.1911 as follows:

a) A contract awarded from the 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 material and equipment to be furnished. 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 small works rosters. 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.

If the estimated cost of the work is from One Hundred Thousand Dollars (\$100,000.00) to Two Hundred Thousand Dollars (\$200,000.00), the City may choose to solicit bids from less than all the appropriate contractors on the appropriate small works roster but 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 notice in the City's legal newspaper;
- ii. Mailing a notice to these contractor's; or
- iii Sending a notice to these contractors by fax or other electronic means.

c) For purposes of this resolution, "equitably distribute" means that the City many not favor certain contractors on the appropriate small words 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.

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.

e) At least once a year a list of the contracts awarded under that process is 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 including the quality or materials and workmanship and the nature or warranties and other performance related conditions;
- 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;
- 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.

ADOPTED THIS 15th day of December, 2004.



Benjamin Tolson, Mayor

ATTEST:



Laura J. Koenig, Clerk Treasurer

Approved as to form:



Thom Graafstra, City Attorney