

RESOLUTION NO. 1259

A RESOLUTION OF THE CITY COUNCIL OF RAYMOND, WASHINGTON, ON THE SUBJECT 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, to implement small works roster processes, the city is required by law to adopt rules establishing specific procedures; and

WHEREAS, Chapter 39.80 RCW and other laws regarding contracting for consulting services by municipalities allow certain contracts to be awarded by a consultant roster process; 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.

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

Section 1. MRSC Rosters. The city has contracted with the Municipal Research and Services Center of Washington (MRSC) to have their official rosters hosted in the online database for city use for small public works and consulting service contracts developed and maintained by MRSC.

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

- 1. Bid Advertisement.** Public works projects awarded under Small Works Rosters and Limited Public Works Projects processes are exempt from the requirement that bids be advertised as provided under RCW 39.04.010.
- 2. Bid Splitting.** 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 rosters and limited public works processes.
- 3. Roster Existence and Membership Notification.** At least once a year, MRSC shall, on behalf of the city, publish in a newspaper of general circulation within the municipality's jurisdiction a notice of the existence of the small works roster and solicit the names of contractors for the small works roster. MRSC shall add responsible contractors to the small works roster at any time that a contractor completes the online application provided by MRSC and meets minimum State requirements for roster listing.

4. **Project Cost Estimates.** 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), which includes the costs of labor, material, equipment, sales, or use taxes as applicable. Instead, the city may use the Small Works Roster procedures for public works projects as set forth in this resolution.
 - a) Invitations to bid may be sent to all contractors in the appropriate small works roster category. As an alternative, quotations may be invited from at least five (5) 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 an agency soliciting quotes may not favor certain contractors over other contractors who perform similar services.
 - b) For projects estimated to cost between \$150,000 and \$300,000, if bids are not solicited from all the appropriate contractors on the appropriate small works roster, the remaining contractors on the appropriate small works roster must be notified by publishing notice in a legal newspaper in general circulation in the area where the work is to be done, mailing a notice to these contractors, or sending an electronic notice that quotations are being sought. If a contractor is not on an original notification list, and, after hearing about a project that is estimated to cost more than \$150,000, submits a bid, the city is obligated to accept the bid when submitted prior to the bid due date.
5. **Soliciting Quotations.** The city shall obtain telephonic, written, or electronic quotations for public works contracts from contractors on the appropriate small works roster to assure that a competitive price is established.
 - a) Contractors will be contacted directly and invited to submit a quote. For projects under \$150,000, only contractors notified directly by the city regarding a specific project may participate and respond to a solicitation. 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) Payment of prevailing wages, under chapter 39.12 RCW, applies to all public works contracts accomplished through the small works roster process, as applicable. The contractor must be told in advance that prevailing wages must be paid to all employees who work on the contract. Prevailing wages in effect for the contract must be included in the contract documents. Contractor must file a Statement of Intent to Pay Prevailing Wages with the Industrial Statistician of the Department of Labor and Industries (L&I). The agency must have a copy of the L&I-approved Statement of Intent before it can make payments under the contract. After completion of the contract, the contractor must file an Affidavit of Wages Paid with L&I's Industrial Statistician. The agency must have a copy of the L&I approved Affidavit before it can release the contract retainage.
 - c) If bids are received from contractors not listed on a small works roster, or in a given work category within the project area, the contractor must be added to the appropriate small works roster or given work category by the bid due date for the bid to be eligible for consideration. Contractors may need to call MRSC directly to expedite the application process.

- d) The person soliciting bids shall document the actions taken and received on each small works project. If a contractor does not respond to a solicitation, annotate request with "no response" and proceed with the selection process using the bids received. There is no requirement to solicit additional bids. Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephonic inquiry.

6. Limited Public Works Process. If a work, construction, alteration, repair, or improvement project is estimated to cost less than \$35,000, the city may award such a contract using the limited public works process provided under RCW 39.04.155(3).

- a) The city will solicit electronic, telephonic, or written quotations from a minimum of three (3) contractors in the given work category that perform within the project area 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.
- b) The payment and performance bond requirements of chapter 39.08 RCW and the retainage requirements of chapter 60.28 RCW may be waived, thereby making the city liable for the contractor's nonpayment of laborers, mechanics, subcontractors, material men, suppliers, and taxes. However, the city shall have the right of recovery against the contractor for any payments made on the contractor's behalf.
- c) 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.
- d) Alternatively, the city may construct any public works, as defined in RCW 39.04.010, by contract without calling for bids whenever the estimated cost of the work or improvement, including cost of materials, supplies and equipment will not exceed \$45,000 if a single craft or trade is involved, or \$65,000 if more than one craft or trade is involved with the public works as authorized in RCW 35.23.352.

7. Really Small Public Works Process.

This process streamlines the small public works process and provides the city greater flexibility in accomplishing public works projects.

- a) If a project is estimated to cost less than \$2,500, any member of the city staff may call a contractor, get a quick written or documented telephone bid, and, if the bid is reasonable, tell them to do the work. Both bonds and retainage requirements are waived.
- b) The city shall attempt to distribute opportunities for really small public works projects equitably among those willing to perform within the project area.

2. Determining Lowest Responsible Bidder. The city shall award contracts for small public works projects 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. The city reserves the right under applicable law to reject any or all bids,

and to waive procedural irregularities. A responsible bidder shall be a registered or licensed contractor who meets the mandatory bidder responsibility criteria established by RCW 39.04.350.

3. **Award.** The city council shall consider all bids or quotations received, determine the lowest responsible bidder, and award the contract. Before a contract is awarded, the city must verify that the bidder meets the minimum responsibility criteria requirements of RCW 39.04.350(1).
 - a) The city may establish "master" contracts for maintenance or small repair projects, under \$35,000, with one or more contractors that become effective when a specific award is made using a small works roster. The master contract would have general and special conditions, with the scope and dollar amounts added at the time of contracting.

Section 3. Consulting Services Roster. The following consulting services roster procedures are established for use by the city pursuant to RCW 39.80.030:

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 municipality's jurisdiction, a notice of the existence of the consulting services roster, the address and phone number of a city representative who can provide further details and solicit the names of consultants for the consulting services roster.

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 and to use paper and/or other electronic rosters that may be kept on file by the city.

MRSC shall add responsible consultants to the consulting services roster at any time that a consultant completes the online application provided by MRSC, uploads a Statement of Qualifications, and meets minimum State requirements for roster listing.

3. **Review and Selection of the Statement of Qualifications Proposals.** The city shall use the following process to select a qualified architectural or engineering firm from the Consulting Services Roster to provide the required services:
 - a) The city shall evaluate the statements of qualifications and performance data on file with MRSC at the time that architectural or engineering services are required. Minority, women-owned, and veteran-owned firms should be afforded the maximum practicable opportunity to compete for and obtain public contracts consistent with their general availability within the jurisdiction of the city.
 - b) Evaluations shall be based on a 5-point rating system, with 5 being the most qualified.
 - c) The city shall conduct discussions with one or more firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required services. If

the city is unable to negotiate a satisfactory contract with the firm selected at a price determined to be fair and reasonable, negotiations with that firm shall be formally terminated and the city may select other firms in accordance with RCW 39.80.040 and continue in accordance with this section until an agreement is reached or the process is terminated.

d) This section is not applicable in an emergency.

4. **Award.** The firm deemed best qualified by receiving the highest point-rating, will be selected.

PASSED this 16th day of April, 2018.



TONY NORDIN, MAYOR

ATTEST


CITY CLERK/TREASURER