

CITY OF REDMOND
RESOLUTION NO. 1344

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, ADOPTING A SMALL WORKS ROSTER PROCESS FOR PUBLIC WORKS PROJECTS, PROVIDING FOR THE AWARD OF PERSONAL SERVICES CONTRACTS FOR SERVICES OTHER THAN ARCHITECTURAL, ENGINEERING, OR SURVEYING SERVICES, ESTABLISHING PROCEDURES FOR THE AWARD OF PUBLIC WORKS CONTRACTS IN THE EVENT OF AN EMERGENCY, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE

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 of RCW 39.04.155, the City is required by law to adopt a resolution establishing specific procedures; and

WHEREAS, the City desires to clearly establish procedures for the award of professional services contracts for services other than architectural, engineering, or surveying services, and to provide for the award of public works contracts in the event of any emergency.

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

Section 1. The Mayor is authorized to contract with eCityGov, or another similar entity, to adopt for city use a

shared electronic database that maintains a small public works roster in accordance with the requirements of RCW 39.04.155.

Section 2. 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), or the then current statutory bid limit in RCW 39.04.155, which includes 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 may create a single general small works roster, or may create a small works roster for different specialties or categories of anticipated work. The City may also use other electronic rosters through interlocal agreement with eCityGov, or another similar entity. The 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 comply with all roster requirements and maintain current records of any applicable licenses, certifications, registrations, bonding, insurance, and other information on file with the roster.

4. Publication. At least once a year, on behalf of the City, eCityGov, or any other similar entity with whom the City may contract, 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.

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 39.04.010 and RCW 39.04.350, 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.

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 (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.

If the estimated cost of the work is from one hundred fifty thousand dollars (\$150,000.00) to three hundred thousand dollars (\$300,000.00), 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 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 other electronic means.

c. 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;

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.

6. 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 limited public works projects, 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 and RCW 39.04.350. 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 twenty-four (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.

7. Determining Lowest Responsible Bidder. A responsible bidder will be a contractor who meets the mandatory requirements of RCW 39.04.350(1) and any supplemental bidder responsibility criteria established for the project under RCW 39.04.350(2).

8. Award. The City shall award all contracts to the lowest responsible bidder. For public works projects two hundred thousand dollars (\$200,000) or less the Mayor or his designee shall have the authority to award and accept public works contracts without the City Council's approval. The City reserves the right to reject any and all bids.

Section 3. The following procedures are established for use by the City when executing a contract for personal services not subject to Chapter 39.80 RCW:

The City may use the rosters maintained by eCityGov's Shared Procurement Portal, or an electronic roster maintained by another entity with whom the City contracts, to award contracts for personal services, which are not professional architectural, engineering, or surveying services as defined in RCW 39.80.020. The City, or its designee, will announce generally to the public the City's projected requirements for any category or type of personal services. The City reserves the right to publish an announcement on each occasion when personal 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. For personal services contracts not subject to Chapter 39.80 RCW or Chapter 2.86 RMC, the Mayor shall have the authority to award and accept contracts not exceeding a total of \$25,000 in any calendar year without the City Council's approval.

Section 4. In the event of an emergency as defined in RCW 39.04.280, the Mayor may declare an emergency situation exists, waive competitive bidding requirements, and award all necessary contracts on behalf of the municipality to address the emergency situation. If a contract is awarded without competitive bidding due to an emergency, a written finding of the existence of an emergency must be made by the City Council or the Mayor and duly entered of record no later than two weeks following the award of the contract.

Section 5. City of Redmond Resolution No. 869 (1991) is hereby repealed.

Section 6. This resolution shall become effective upon adoption.

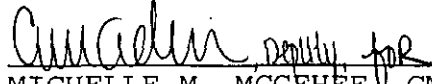
ADOPTED by the Redmond City Council this 16th day of
November, 2010.

CITY OF REDMOND



JOHN MARCHIONE, MAYOR

ATTEST:



MICHELLE M. MCGEHEE, CMC, CITY CLERK (SEAL)

FILED WITH THE CITY CLERK: November 10, 2010
PASSED BY THE CITY COUNCIL: November 16, 2010
EFFECTIVE DATE: November 16, 2010
RESOLUTION NO. 1344

ADOPTED 4-3; YES: Cole, Margeson, Stilin and Vache
NO: Allen, Carson and Myers