Resolution No. 233

A RESOLUTION OF THE CITY OF WOODINVILLE, WASHINGTON, repealing Resolution No. 190, that established a vendor list process for the purchasing of supplies, materials, and equipment and a small works roster process to award public works contracts, to allow the City to utilize the limited public work projects process.

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 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 Woodinville is required by law to adopt a resolution establishing specific procedures;

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

Section 1. Purchase of materials, supplies or equipment not connected to a public works project in an amount of $7,500 or less. The City of Woodinville is not required to use informal or formal sealed bidding procedures or the procedures set forth in this resolution for the purchase of any materials, supplies, or equipment where the cost of same will not exceed $7,500. The City of Woodinville will attempt to obtain the lowest practical price for such goods and services.

Section 2. Purchase of materials, supplies or equipment from the Office of State Procurement List. The City of Woodinville is not required to use informal or formal sealed bidding procedures or the procedures set forth in this resolution for the purchase of any materials, supplies of equipment where the cost of same will not exceed $200,000 from vendors on the Office of State Procurement List.

Section 3. Purchase of materials, supplies or equipment not connected to a public works project in an amount between $7,500 and $15,000. The following purchasing procedures are established for use by the City of Woodinville pursuant to RCW 39.04.190:

1. **Publication Of Notice**. At least twice a year, the City of Woodinville shall publish, in the City's official newspaper, notice of the existence of a

roster(s) of vendors for materials, supplies, and equipment, and shall solicit names of vendors for the roster.

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

a. A written description shall be drafted of the specific materials, supplies, or equipment 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 of Woodinville representative shall make a good faith effort to contact at least three (3) of the vendors on the roster to obtain telephone solicitation quotations from the vendors for the required materials, supplies, or equipment;

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

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

e. The City of Woodinville representative shall present to the City Manager all telephone quotations and a recommendation for award of the contract to the lowest responsible bidder.

3. **Determining the Lowest Responsible Bidder**. The City of Woodinville shall purchase the materials, supplies or equipment from the lowest responsible bidder, provided that whenever there is reason to believe that the lowest acceptable bid is not the best price obtainable, all bids may be rejected and the City of Woodinville may call for new bids. The City of Woodinville, in determining the lowest responsible bidder may take the following factors, in addition to price, into account:

a) any preferences provided by law to Washington products and vendors;

b) the quality of the materials, supplies, and equipment to the City's specifications;

c) the conformity of the materials, supplies, and equipment to the City's specifications;

d) the purposes for which the materials, supplies, or equipment are required;

e) the times for delivery of the materials, supplies, or equipment;

f) the character, integrity, reputation, judgment, experience, and efficiency of the bidder; and

g) such other information as may have a bearing on the decision to purchase the materials, supplies, or equipment.

4. **Award**. The City Manager shall review the quotations and the recommendation by city staff and award the contract to the lowest responsible bidder. A written record of each vendor's quotations 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 these procedures shall be posted at the City of Woodinville main administrative offices 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, and the date it was awarded.

Section 4. Small works roster procedures. The following small works roster procedures are established for use by the City of Woodinville pursuant to RCW 35.23.352 and chapter 39. 04 RCW.

1. **Cost.** The City of Woodinville 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 of Woodinville 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 of Woodinville 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 of Woodinville as a condition of being placed on a roster or rosters.

4. **Publication.** At least once a year, the City of Woodinville 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 of Woodinville 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 Woodinville 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 of Woodinville 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. 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 to two hundred thousand dollars, the City of Woodinville 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 of Woodinville 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 of Woodinville 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 of Woodinville 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 of Woodinville 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 every 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 of Woodinville 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 of Woodinville may call for new bids. In addition to price, the City of Woodinville 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 of Woodinville;

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. **Limited Public Works Process.** If a work, construction, alteration, repair, or improvement project is estimated to cost less than thirty-five thousand dollars, the City may award such a contract using the limited public works process provided under RCW 39.04.155, subsection (3). For 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 43.19.1911(9). 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 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.

8. **Award.** The City Manager or his designee shall present all telephone quotations/bids and recommendation for award of the contract to the lowest responsible bidder to the City Council. However, for public works projects under $20,000, the City Manager shall have the authority to award public works contracts. The City Council shall award all public works contracts over $20,000.

ADOPTED BY THE CITY COUNCIL AND SIGNED INTO AUTHENTICATION OF ITS PASSAGE THIS 15th DAY OF JULY 2002.

Scott Hageman, Mayor

ATTEST:

Sandra Parker
City Clerk/CMC