ORDINANCE NO. 2022- 05
AN ORDINANCE OF THE CITY OF REPUBLIC, WASHINGTON, AMENDING CHAPTER 3.08 – SMALL WORKS ROSTER, TO UPDATE THE MAXIMUM ALLOWABLE AMOUNT TO AWARD CONTRACTS, AND TO PROVIDE PROCEDURES AS REQUIRED BY RCW 39.04.155.

WHEREAS, the City of Republic has adopted a small works roster procedure pursuant to RCW 30.04.155, and as set forth in Chapter 3.08 of the Republic Municipal Code; and

WHEREAS, the City Council desires to amend Chapter 3.08 to increase the maximum amount allowed to award contracts under the small works roster and to update the procedures for the use of the small works roster to comply with RCW 39.04.155.

NOW, THEREFORE, the City of Republic, Washington, do hereby ordain as follows:

SECTION 1 – AMENDMENT.

A. Section 3.08.020 – Requirements, and Section 3.08.030 – Utilized, of the Republic Municipal Code, which reads as follows:

"3.08.020 – Requirements.

The small works roster shall be established as follows:

A. At least twice every year, the city of Republic shall advertise in a newspaper of general circulation within the jurisdiction in the existence of a small works roster for the city. The city shall add to the roster those contractors who respond to the advertisement and request to be included on the roster.

B. In order to be included on the roster, the contractor shall supply information as follows in response to a standard form questionnaire to be developed at the direction of the city council:

1. The contractor’s state license or registration, where required by law;
2. The contractor’s financial standing and responsibilities;
3. The contractor’s experience, organization, and technical qualifications necessary to perform proposed contracts;
4. The contractor’s ability to comply with the required performance schedules, taking into consideration its existing business commitments;
5. The contractor's satisfactory record of performance, integrity, judgment and skills;
6. The contractor's ready availability to perform work in and for the city;
7. Such other information as may be secured concerning the contractor's ability to satisfactorily perform a contract with the city.

C. The questionnaire required in subsection B of this section shall be sworn to before a notary public, and shall be submitted twice per year, and at such other as the city council shall require.

Section 3.08.030 – Utilized.

This small works roster shall be utilized as follows:

A. Whenever the city seeks to construct any public works as defined in RCW 39.04.010, the estimated cost of which, including costs of material, supplies and equipment, is one hundred thousand dollars ($100,000.00) or less, the small works roster may be utilized.

B. When the small works roster is utilized, the city shall invite proposals from all appropriate contractors on the small works roster, including whenever possible, at least five contractors and on proposal from a minority contractor who otherwise qualifies.

C. The invitation to the contractors on the small works roster shall include an estimate of the scope and nature of the work to be performed and the materials and equipment to be furnished.

D. When awarding a contract for work under the small works roster, the city shall award the contract to the contractor submitting the lowest, responsible bid; provided, however, that the city reserves its right under applicable law to reject any or all bids, and to waive procedural irregularities."

Be and hereby is amended to read as follows:

"3.08.020 – Requirements.

The requirements of the small works roster are be established as follows:
A. 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 fifty thousand dollars ($350,000.00), which includes the cost of labor, material, equipment, sales or use tax, as applicable, as set forth in RCW 39.04.155, and as amended in the future. Instead, the city may use the small works roster procedures for public works projects as set forth in this section. The breaking of any project into units or accomplishing any projects by phases is prohibited if it is done for the purposes of avoiding the maximum dollar amount of the contract that may be let using the small works roster process.

B. Publication. At least once a year, the city shall publish in a newspaper of general circulation within the city's jurisdiction a notice of the existence of the small works roster and solicit the names of contractors for the small works roster. The city shall add responsible contractors to the small works roster at any time that a contactor completes the application provided by the city, and meets minimum state requirements for the roster listing.

C. Telephone, Written or Electronic Quotations. The city shall obtain telephone, written or electronic quotations for public works contracts from contractors on the small works roster to assure that a competitive price is established and to award contracts to a contractor that meets the mandatory minimum responsibility criteria under RCW 39.04.350(1), as amended. The city may establish supplementary bidder criteria under RCW 39.04.350(3), as amended, to be considered in the process of awarding a contract.

D. No Advertising. A contract awarded from the small works roster will not be advertised.

E. Invitations For Quotations. 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.

Quotations may be invited from all appropriate contractors on the small works roster. As an alternative, quotations may be invited from at least five (5) contractors on the 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 small works roster. “Equitably distribute” means that the city may not favor certain contractors on the small works roster over other contractors on the small works roster that perform similar services.

F. City May Solicit Bids From Less Than All Contractors. If the estimated cost of the work is from one hundred fifty thousand ($150,000.00) to three hundred fifty thousand dollars ($350,000.00), then the city may choose to solicit bids from less than all the other appropriate contractors from the small works roster, but must notify the remaining contractors on the small works roster that quotations of the work are being sought. The city has the sole option of determining whether the notice to the remaining contractors is made by:

   i. publishing notice in a legal newspaper of 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.

G. City Shall Not Inform Other Contractors. At the time bids are solicited, the city shall not inform a contractor of the terms or the amount of any other contractor’s bid for the same project.

H. Written Record. A written record shall be made by the city of each contractor’s bid on the project and of any conditions imposed on the bid. Immediately after an award is made, the quotations obtained shall be recorded, open for public inspection, and available by telephone inquiry.

I. Limited Public Works Process. If a work, construction, alteration, repair or improvement project is estimated to cost less than fifty thousand dollars ($50,000.00), the city may award such a contract using the limited public works process provided in RCW 39.04.155(3), as amended. For a limited public works project, the city will solicit electronic or written quotations from a minimum of three (3) contractors from the small works roster and shall award the contract to the lowest responsible bidder as defined under RCW 39.04.010, as amended. After an award is made, the quotation shall be open to public inspection and available by electronic request.

J. Waiver of Payment and Performance Bond. For limited public works projects, the city may waive the payment and performance bond requirements of Chapter 39.08 RCW and retainage
requirements of Chapter 60.28 RCW, thereby assuming the liability for the contractor's non-payment 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.

K. List of Contractors. 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, and 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.

L. Lowest Responsible Bidder. The city shall award the contract for the public works projects to 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 may call for new bids. Any responsible bidder shall be a registered or licensed contractor who meets the mandatory bidder responsibility criteria established by RCW 39.04.350, as amended, and meets any supplemental bidder responsibility criteria established by the city.

M. Collection of Bids and Quotations. All of the bids and quotations shall be collected by the city clerk or their designee, and shall then present all bids or quotations for award of the contract to the city council. The city council shall consider all bids and quotations received, determine the lowest responsible bidder and award the contract.

SECTION 2 – SEVERABILITY. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this Ordinance.

SECTION 3 – EFFECTIVE DATE. This Ordinance shall take effective from and after its passage by the City Council, approval by the Mayor, and five (5) days after publication as required by law.
PASSED by the City Council of the City of Republic, Washington, at a regular meeting this 6th day of September, 2022.

APPROVED:

Elbert Koontz, Mayor

ATTEST:

Nicolas Olsen, City Clerk-Treasurer

APPROVED AS TO FORM:

W. Scott DeTro, City Attorney