

RESOLUTION NO. 2021-05

A RESOLUTION adopting a small works roster process for accomplishing public works projects under a certain value as set forth in RCW 39.04.155.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TONASKET, WASHINGTON, as follows:

Section 1. There is hereby established within the City of Tonasket a small works roster contract award process for the accomplishment of public works projects with an estimated value threshold as set forth in RCW 39.04.155 as now provided or hereafter amended.

Section 2. The small works roster process shall be as provided in Exhibit A attached hereto and incorporated herein as though fully set forth.

Section 3. Prior resolutions adopting a Small Works Roster process are hereby repealed.

PASSED BY THE CITY COUNCIL this ____ day of _____, 2021.

APPROVED:

Marylou Kriner, Mayor

ATTEST:

Alice Attwood, City Clerk-Treasurer

APPROVED AS TO FORM:

Michael D. Howe, City Attorney

EXHIBIT A

Small Works Roster

There is established for the city of Tonasket a small works roster contract award process for accomplishment of public works projects with an estimated value threshold as set forth in RCW 39.04.155, as amended. The city may create a single small works roster, or may create small works rosters for different categories of anticipated work.

1. Roster List. The small works roster(s) shall consist of all responsible contractors who have requested to be on the list, and where required by law, are properly licensed or registered to perform such work in the state of Washington. Mandatory criteria for determining a responsible contractor under RCW 39.04.350 shall be utilized.

2. Publication. At least once a year, the city shall publish in a newspaper of general circulation within the city the notice of the existence of the roster(s) and solicit the names of contractors for such roster(s). Responsible contractors shall be added to an appropriate roster(s) at any time that they submit a written request and necessary records.

3. Contract. The city will require a contract to be signed that becomes effective when a specific award is made using a small works roster.

4. Appeal. Any contractor whose request to be on the roster(s) has been denied may appeal within 10 calendar days after the denial to the Mayor; the Mayor will make a decision within 30 calendar days of the notice of appeal. A denial by the Mayor may be appealed to the city council within 10 calendar days of the date of the decision. The city council shall hold a public hearing on the issue and make a decision within 45 calendar days of receipt of the notice of appeal. A denial that is not appealed, or that is appealed and results in a final decision against the contractor, prevents the contractor from applying to be on the roster(s) for a period of one year from the date of the initial request.

5. Process. Whenever work that has received city council approval in the current budget, or otherwise been approved by the city council, is sought to be accomplished using a small works roster, a city representative shall obtain telephone, written or electronic quotations from contractors on the appropriate small works roster to assure that a competitive price is established and to award a contract to the lowest responsible bidder 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 subsection does not eliminate other requirements for architectural or engineering approvals as to quality and compliance with building codes.


b. Quotations may be invited from:

i. All appropriate contractors on the appropriate small works roster, by sending notice to these contractors; or

ii. If possible, 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 small works roster. For purposes of this section, "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.


c. At the time quotations 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 bids 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 this 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 bids for these contracts are available for public inspection.

6. Determining Lowest Responsible Bidder. Where bidders have not been prequalified, the city 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 may call for new bids.

7. Cancellation of Invitations for Quotations. An invitation for quotations may be canceled by the city. The reasons shall be made part of the contract file. Each invitation for quotations issued by the city shall state that the invitation may be canceled. Notice of cancellation shall be sent to all parties that have been provided with a copy of the invitation. The notice shall identify the invitation for quotations and state briefly the reasons for cancellation.

 8. Bid Deposit and Performance Bond for Public Works Projects. Whenever competitive quotes or bids are required, a bidder shall make a deposit in the form of a certified check or bid bond in an amount equal to not less than five percent of the total bid, which percentage shall be specified in the call for quotes or bids. As part of any bid submitted, the bidder shall be required to warrant that the bid is a genuine bid, and that he/she has not entered into collusion with any other bidder or any other person.

All public works contractors shall furnish a performance bond in an amount equal to the total amount of the contract. In lieu of a performance bond on contracts less than the dollar threshold provided under RCW 39.08.010, as amended, a contractor may request to have the city accept the percentage allowed by RCW 39.08.010 of the contract retained for a period of 30 days after the date of final acceptance or until receipt of all necessary releases from the Department of Revenue and the Department of Labor and Industries and settlement of any liens filed under Chapter 60.28 RCW, whichever is later. Following the provisions of RCW 39.08.030 the city may, at its option, reduce the amount of a performance bond to not less than 25 percent of the total contract amount for on-call and scheduled maintenance contracts.

ORDINANCE NO. 823

AN ORDINANCE adopting a small works roster process for accomplishing public works projects under a certain value as set forth in RCW 39.04.155.

THE CITY COUNCIL OF THE CITY OF TONASKET, WASHINGTON, DO ORDAIN as follows:

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Section 2. The small works roster process shall be as provided in Exhibit A attached hereto and incorporated herein as though fully set forth.

Section 3. Prior ordinances and/or resolutions adopting a Small Works Roster process are hereby repealed.

Section 4. This ordinance shall become effective from and after its passage by the council, approval by the Mayor, and publication as required by law.

PASSED BY THE CITY COUNCIL this ____ day of _____, 2021.

APPROVED:

Marylou Kriner, Mayor

ATTEST:

Alice Attwood, City Clerk-Treasurer

APPROVED AS TO FORM:

Michael D. Howe, City Attorney

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