

# Sunnyside Municipal Code

## Chapter 2.90

### SMALL WORKS ROSTER AND INTERLOCAL COOPERATIVE AGREEMENTS

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#### **2.90.010 Purpose.**

The purpose of this chapter is to implement policies and procedures regarding award of contracts by a small works roster, and to authorize the City Manager to enter into certain interlocal agreements with other agencies and municipalities for purchases of certain equipment and supplies. State law authorizes establishment of small works roster procedures pursuant to RCW 35.23.352 and 39.04.155. State statute further authorizes interlocal cooperative agreements between other municipal corporations and agencies for purchases of supplies and equipment pursuant to RCW 35.23.352 and Chapter 39.34 RCW, and for administration of interlocal agreements for small works rosters. [Ord. 2117 § 1, 2005.]

#### **2.90.020 Small works roster.**

A. Cost. The City of Sunnyside (hereafter "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 \$200,000, 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.

B. Number of Rosters. The City may create a single general small works roster, may create a small works roster for different specialties or categories of anticipated work, or may enter into interlocal agreements whereby the City may make use of the small works rosters of other municipalities as may be appropriate. The City Manager is authorized by the City Council to execute and approve, for and on behalf of the City, any such interlocal agreement to accomplish the purposes of this chapter and section. Said small works rosters may make distinctions between contractors based upon different geographic areas served by the contractor.

C. Contractors on Small Works Roster(s). The small works roster(s) used by the City shall consist of all responsible contractors who have requested to be on the appropriate 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, or the government entity whose roster the City has agreed to use, as a condition of being placed on a roster or rosters.

D. Publication. At least once a year, the City, or a government entity whose roster the City has agreed to use, 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. An interlocal contract or agreement between the City 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.

E. Electronic Rosters. In addition to paper and/or electronic rosters kept on file in the appropriate entity and department, the City may also use that statewide electronic database developed and maintained jointly by the Daily Journal of Commerce, the Municipal Research and Services Center of the State of Washington, and any other similar approved database.

F. 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 43.19.1911(9), as follows:

1. 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.

2. 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.

3. If the estimated cost of the work is between \$100,000 and \$200,000, the City may choose to solicit bids from less than all the appropriate contractors on the appropriate small works roster but must notify the remaining contractors on the appropriate small works roster that the 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:

- a. Publishing notice in a legal newspaper of general circulation in the area where the work is to be done;
- b. Mailing a notice to these contractors; or
- c. Sending a notice to these contractors by facsimile or other electronic means.

4. For purposes of this chapter, "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.

5. A written record shall be made by the City representative of each contractor's bid on a 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.

G. Determining Lowest Responsible Bidder. 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. The provisions of RCW 43.19.1911(9) regarding determination of lowest responsible bidder shall apply as follows: In addition to price, the following items shall be given consideration:

1. The ability, capability, and skill of the bidder to perform the contract or provide the service required;
2. The character, integrity, reputation, judgment, experience and efficiency of the bidder;
3. Whether the bidder can perform the contract within the time specified;
4. The quality of performance of previous contracts or services;
5. The previous and existing compliance by the bidder with laws relating to the contract or services; and
6. Such other information as may be secured having a bearing on the decision to award the contract.

H. 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 \$35,000, the City Manager shall have the authority to award public works contracts without City Council approval. For public works projects over \$35,000, the City Council shall award all public works contracts by resolution. [Ord. 2117 § 1, 2005.]

### **2.90.030 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). For limited public works projects, the City will solicit electronic or written quotations from a minimum of three contracts 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 RCW Title 82 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 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. [Ord. 2117 § 1, 2005.]

**2.90.040 Interlocal cooperative agreements.**

The City Council of the City authorizes the City Manager to enter into interlocal cooperative agreements with other municipal corporations and governmental agencies to utilize the small works roster or rosters of such other municipal corporation or agency, and to enter into, for and on behalf of the City, interlocal cooperative agreements with other municipal corporations and governmental agencies to utilize such municipal corporations' and agencies' contracts awarded through the bidding process of RCW 35.23.352 for purchases of necessary or appropriate equipment, material and supplies, all as authorized pursuant to Chapter 39.34 RCW. [Ord. 2117 § 1, 2005.]