

BINGEN MUNICIPAL CODE

Chapter 3.52

SMALL WORKS ROSTER

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3.52.010 Established.

There is established for the city, pursuant to RCW 35.23.352(3), as now or hereafter amended, a small works roster comprised of all contractors who request to be on the roster and who are, where required by law, properly licensed or registered to perform such work in the state of Washington. (Ord. 359 §1, 1986: Ord. 473 §2, 2001).

3.52.020 Procedure.

The following small works roster procedures are established for use by the City pursuant to RCW 35.23.352 and RCW 39.04, as now hereafter amended.

- 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 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 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, 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.
- C. 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 as a condition of being placed on a roster or rosters.

D. Publication. At least once a year, the City 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 of Bingen 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. Quotations. The City shall obtain 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 now or hereafter amended, 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 paragraph 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. However, if the estimated cost of the work is from One Hundred Thousand Dollars (\$100,000) to Two Hundred Thousand Dollars (\$200,000), 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:
 - (a) publishing notice in a legal newspaper in general circulation in the area where the works 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 ordinance, “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 the project and of any conditions imposed on the bid. Immediately after an award is made, the bid quotations shall be recorded, open to public inspections, and available by telephone inquiry.
6. At least once every year a list of 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. (Ord. 359 §2, 1986: Ord. 473 §3, 2001).

3.52.030 Determining Lowest Responsible Bidder.

The City Council 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 bid obtainable, all bids may be rejected and the City Council may call for new bids. In addition to price, the City Council shall take into account the following:

1. the ability, capacity, and skill of the bidder to perform the contract;
2. whether the bidder can perform the contract within the time specified by the City;
3. the quality of the bidder’s performance of previous contracts or services;
4. the previous and existing compliance by the bidder with laws relating to the contract or services. (Ord. 473 §4, 2001).

3.52.040 Awards.

The Mayor or his designee shall present all quotations/bids and recommendation for award of the contract to the lowest responsible bidder to the City Council. However, for public works projects included in an adopted budget and are \$500 or less, the Mayor shall have the authority to award public works contracts without City Council approval, provided that the City Council shall ratify the Mayor’s approval at the next scheduled City Council meeting by means of the consent agenda. For public works projects over \$500, the City Council shall award all public works contracts by resolution. All public works projects over \$2,500 will require a signed contract before work can begin. The City Council will have the discretion to require a signed contract for public works projects between \$500 and \$2,500. (Ord. 359 §3, 1986: Ord. 473 §5, 2001).

3.52.050 Exemptions.

Nothing in this chapter shall be interpreted or construed in any manner as prohibiting the City from availing itself of any exemptions provided by RCW 39.04.280, as now or hereafter amended. (Ord. 473 §6, 2001).

3.52.060 Emergency.

- A. Persons Designated.** Pursuant to RCW 39.04.280(1) (e) and RCW 39.04.280(2), as now or hereafter amended, the City adopts a policy designating the Mayor or the City Clerk as persons who may declare an emergency situation exists, waive competitive bidding requirements, including those addressed in this Chapter of the Bingen Municipal Code, and award all necessary contracts on behalf of the City of Bingen to address the emergency situation.
- B. Definition.** “Emergency” means unforeseen circumstances beyond the control of the City that either (a) presents a real, immediate threat to the proper performance of essential functions; or (b) will likely result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken.
- C. Written Finding.** If a contract is awarded without competitive bidding due to an emergency, a written finding of the existence of an emergency shall be made by the Council or the Mayor or City Clerk and entered of record as soon as is practicable after the contract is awarded, but no later than two weeks after the contract is awarded. (Ord. 473 §7, 2001).