

RESOLUTION NO. 411

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ON THE SUBJECT OF PUBLIC WORKS CONTRACTING AND PURCHASING; ESTABLISHING A SMALL WORKS ROSTER PROCESS TO AWARD PUBLIC WORKS CONTRACTS AND FOR THE PURCHASE OF SUPPLIES, MATERIALS AND EQUIPMENT.

WHEREAS, the Washington State Legislature has recently amended the laws regarding purchasing of materials, supplies and equipment and contracting for public works by municipalities, allowing certain purchases and contracts to be awarded by a small works roster process; and

WHEREAS, in order to be able to implement the small works roster process, the City Council is required by law to adopt a resolution establishing the specific procedures; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. The following small works roster procedures are established for use by the City, pursuant to RCW 35.23.352, 35A.40.210 and chapter 39.04 RCW.

A. **Purchase of Materials, Supplies or Equipment.**

1. **Cost.** The City is not required to use formal sealed bidding procedures or the procedures set forth in this Resolution, to purchase materials, supplies or equipment where the cost of same will be under Seven Thousand Five Hundred Dollars (\$7,500.00). When the City desires to purchase materials, supplies or equipment estimated to cost from Seven Thousand Five Hundred Dollars (\$7,500.00) to Fifteen Thousand Dollars (\$15,000.00), the procedures set forth in Section A of this Resolution may be used.
2. **Publication of Notice.** At least twice a year, the City shall publish, in the City's official newspaper, notice of the existence of the City's roster of vendors for materials, supplies and equipment, and shall solicit names of vendors for the roster.
3. **Telephone Quotations.** The City shall follow the following process to obtain telephone quotes from vendors for the purchase of materials, supplies or equipment:
 - a) a written description shall be drafted of the specific materials, equipment or supplies 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 representative shall make a good faith effort to contact at least three of the vendors on the roster established according to subsection 2 above, and, reading from the written description, obtain telephone quotes from the vendors on the required materials, equipment or supplies;
- c) at the time such telephone quotes are solicited, the City representative shall not inform a vendor of any other vendor's bid on the materials, supplies or equipment;
- d) a written record shall be made by the City representative of each vendor's bid on the materials, equipment and supplies, and of any conditions imposed on the bid by such vendor;
- e) all of the telephone bids or quotes shall be collected and presented at the same time to the City Council for consideration, determination of the lowest responsible bidder and award of the contract.

4. **Determining Lowest Responsible Bidder.** The City shall purchase the materials, equipment or supplies from 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 or enter into direct negotiations to achieve the best possible price. The following factors, in addition to price, may be taken into account by the City in determining the lowest responsible bidder:

- a) any preferences provided by law to Washington products and vendors;
- b) the quality of the materials, supplies and equipment to be purchased;
- c) the conformity of the materials, supplies and equipment to the City's specifications;
- d) the purposes for which the materials, supplies and equipment are required;
- e) the times for delivery of the materials, supplies and 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 supplies, materials or equipment.

5. **Life Cycle Costing.** In considering bids for purchase or lease, whenever there is reason to believe that applying the "life cycle costing" method to bid evaluation would result in the lowest total cost to the City, first consideration shall be given to the bid with the lowest life cycle cost which complies with the specifications. "Life cycle cost" mean the total cost of an item to the City over its estimated useful life, including costs of selection, acquisition, operation, maintenance, and where applicable, disposal, as far as these costs can reasonably be determined, minus the salvage value at the end of its estimated useful life. The "estimated useful life" of an item means the estimated time from the date of acquisition to the date of replacement or disposal, determined in any reasonable manner.
6. **Award.** Immediately after the contract award is made, the written record of each vendor's bids or quotes shall be open to public inspection and available to the public by telephone inquiry. Any contract awarded under this subsection need not be advertised.
7. **Posting.** A list of all contracts awarded under the above procedures must be posted at City Hall on the front entry bulletin board, at least 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 under the contract and the date it was awarded. The list shall also state the location where the bid quotations are available for public inspection.

B. **Public Works Contracts.**

1. **Cost.** The City need not comply with formal sealed bidding procedures to award public works contracts where the estimated cost is under One Hundred Thousand Dollars (\$100,000.00), which includes the costs of labor, material and equipment, and the City may use the small works roster procedures set forth herein.
2. **Number of Rosters.** The City may create a single general small works roster, or may create a small works roster for different categories of anticipated work.
3. **Contractors on Small Works Roster(s).** The small works roster(s) shall consist of contractors who:
 - a) have requested to be on the roster(s); and
 - b) are properly licensed or registered in this state to perform the work.
4. **Publication.** In the months of January and June of every year, the City shall publish a notice in the City's official newspaper, stating the existence of the small works roster(s) and shall solicit names of contractors for the roster(s).

5. **Telephone or Written Quotations.** The City shall obtain telephone or written quotes for public works contracts under this section as follows:
 - a) the City shall write a description of the scope and nature of the work to be done, together with any other specifications material to the bid;
 - b) a City representative shall contact at least five appropriate contractors from the small works roster(s), and, reading from the written description, obtain telephone or written bids from the contractors. At the time each of the bids are solicited, the City representative shall not inform the contractors of the terms or amount of any other contractor's bid for the same project;
 - c) once a contractor has been afforded an opportunity to submit a proposal, that contractor shall not be offered another opportunity until all other appropriate contractors on the roster have been given an opportunity to submit a bid;
 - 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;
 - e) all of the telephone bids or quotes shall be collected and presented at the same time to the City Council for consideration, determination of the lowest responsible bidder and award of the contract.
6. **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 price obtainable, all bids may be rejected and the City Council may call for new bids or enter into direct negotiations to achieve the best possible price. In addition to price, the City Council shall take into account all of the factors described in Section A(4) of this Resolution, together with 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;
 - 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. **Life Cycle Costing.** In considering bids for the construction of public works projects, whenever there is reason to believe that applying the "life cycle costing"

method to bid evaluation would result in the lowest total cost to the City, first consideration shall be given to the bid with the lowest life cycle cost which complies with the specifications. Evaluation of "life cycle cost" shall follow the process described in Section A(5) of this Resolution.

8. **Award.** Immediately after the contract award is made, the written record of each contractor's bids or quotes shall be open to public inspection and available to the public by telephone inquiry. Any contract awarded under this subsection need not be advertised.

9. **Posting.** A list of all contracts awarded under the above procedures must be posted at City Hall on the front entry bulletin board, at least once every two months. The list shall contain the name of the contractor awarded the contract, the amount of the contract, a brief description of the items purchased under the contract and the date it was awarded. The list shall also state the location where the bid quotations are available for public inspection.

RESOLVED this 28th day of February, 1994.

APPROVED:

MAYOR, GRETCHEN WILBERT

ATTEST/AUTHENTICATED:

CITY CLERK, MARK HOPPEN

FILED WITH THE CITY CLERK: February 11, 1994
PASSED BY THE CITY COUNCIL: February 28, 1994