

**CITY OF WINLOCK, WASHINGTON
ORDINANCE NO. 1163**

AN ORDINANCE OF THE CITY COUNCIL OF CITY OF WINLOCK, WASHINGTON, ON THE SUBJECTS OF ESTABLISHING A SMALL PUBLIC WORKS ROSTER PROCESS TO AWARD PUBLIC WORKS CONTRACTS, AND A VENDOR ROSTER FOR GOODS AND SERVICES NOT RELATED TO PUBLIC WORKS CONTRACTS, AND REPEALING ORDINANCE NO. 607 IN ITS ENTIRETY.

RECITALS:

WHEREAS, the City of Winlock, Washington (the “City”) is a Code City under the laws of the State of Washington; and

WHEREAS, pursuant to RCW 35A.11.020, the City may adopt and enforce ordinances of all kinds relating to and regulating the City’s local or municipal affairs and appropriate to the good government of the City; and

WHEREAS, RCW 39.04.155 and other laws regarding contracting for public works by municipalities, allow certain contracts to be awarded by a small works roster process; and

WHEREAS, Ch. 39.80 RCW and other laws regarding contracting for consulting services by municipalities allow certain contracts to be awarded by a consultant roster process; and

WHEREAS, RCW 39.04.190, regarding purchase of materials, supplies, or equipment not connected to a public works project, allows certain purchasing contracts to be awarded by a vendor roster process;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WINLOCK, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Repealer. Ordinance No. 607, enacted in 1986 is hereby repealed in its entirety.

Section 2. MRSC Rosters. The City of Winlock wishes to contract with the Municipal Research and Services Center of Washington (MRSC) to have their official rosters hosted in the

online database for City of Winlock's use for small public works contracts, and vendor services developed and maintained by MRSC through MRSC Rosters and authorizes the City of Winlock, Mayor to sign that contract.

Section 3. Small Public Works Roster. The following small works roster procedures are established for use by the City of Winlock pursuant to RCW 39.04.155:

- A. Cost.** The City of Winlock 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 the limit established for the small works roster process in RCW 39.04.155 or other authorizing agency statute, which includes the costs of labor, material, equipment, sales, or use taxes as applicable. Instead, the City of Winlock may use the Small Public Works Roster procedures for public works projects as set forth in this ordinance. 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. Publication.** At least once a year, MRSC shall, on behalf of the City of Winlock publish in a newspaper of general circulation within the municipality's jurisdiction a notice of the existence of the small works roster and solicit the names of contractors for the small works roster. MRSC shall add responsible contractors to the small works roster at any time that a contractor completes the online application provided by MRSC and meets minimum State requirements for roster listing.
- C. Telephone, Written, or Electronic Quotations.** The City of Winlock 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 a contractor who meets the mandatory bidder responsibility criteria in RCW 39.04.350(1). The City of Winlock may establish supplementary bidder criteria under RCW 39.04.350(2) to be considered in the process of awarding a contract.
 - 1. A contract awarded from a small works roster will 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.
 - 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 (5) 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. "Equitably distribute" means that the City of Winlock may not favor certain contractors on the appropriate small works roster over other contractors on the appropriate small works roster who perform similar services.

If the estimated cost of the work is from one hundred and fifty thousand dollars (\$150,000) up to the authorized threshold for use of the small works roster process in RCW 39.04.155 or other authorizing agency statute, the City of Winlock 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 quotations on the work are being sought. The City of Winlock has the sole option of determining whether this notice to the remaining contractors is made by:

- (i) publishing notice in a legal newspaper in 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.
3. At the time bids are solicited, the City of Winlock representative shall not inform a contractor of the terms or amount of any other contractor's bid for the same project;
 4. A written record shall be made by the City of Winlock 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 obtained shall be recorded, open to public inspection, and available by telephone inquiry.

D. Limited Public Works Process. The City of Winlock may award a contract for work, construction, alteration, repair, or improvement projects using the limited public works process if the project cost is equal to or less than the amount established in RCW 39.04.155(3). For a limited public works project, the City of Winlock will solicit electronic or written quotations from a minimum of three (3) contractors from the appropriate small works roster and shall award the contract to the lowest responsible bidder as defined under RCW 39.04.010. 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 of Winlock 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, material men, suppliers, and taxes imposed under Title 82 RCW that may be due from the contractor for the limited public works project. However, the City of Winlock shall have the right of recovery against the contractor for any payments made on the contractor's behalf.

The City of Winlock shall maintain a list of the contractors contacted and the contracts awarded during the previous twenty-four (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.

E. 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. A responsible bidder shall be a registered or licensed contractor who meets the mandatory bidder responsibility criteria established by Chapter 133, Laws of 2007 (SHB 2010) and who meets any supplementary bidder responsibility criteria established by the City of Winlock.

F. Award. All of the bids or quotations shall be collected by the Mayor or his/her designee.

1. The Mayor or his/her designee shall then present all bids or quotations and their recommendation for award of the contract to the City Council. The City Council shall consider all bids or quotations received, determine the lowest responsible bidder, and award the contract; or
2. If the City Council delegates the authority to award bids to an executive officer of the City of Winlock for public works projects costing less than or equal to \$100,000.00 the executive officer shall have the authority to award public works contracts without City Council approval, provided that the City Council shall ratify the executive officer's approval at the next scheduled City Council meeting by means of the consent agenda. For public works projects costing more than \$100,000.00, the City Council shall award all public works contracts.

Section 4. Vendor List Roster. The following vendor list roster procedures are established for use by the City of Winlock pursuant to RCW 39.04.190:

A. Purchase of materials, supplies, or equipment not connected to a public works project.

The City of Winlock is not required to use formal sealed bidding procedures to purchase materials, supplies, or equipment not connected to a public works project where the cost will not exceed the statutory threshold of the City of Winlock as provided in RCW 39.04.190. The City of Winlock will attempt to obtain the lowest practical price for such goods and services.

B. Publication. At least twice per year, MRSC shall, on behalf of the City of Winlock, publish in a newspaper of general circulation within the municipality's jurisdiction a notice of the existence of the vendor list roster and solicit the names of vendors for the vendor list roster. MRSC shall add responsible vendors to the vendor list roster at any time when a vendor completes the online application provided by MRSC and meets minimum State requirements for roster listing.

C. Telephone, Written, or Electronic Quotations. The City of Winlock shall use the following process to obtain telephone or written quotations from vendors for the purchase of materials, supplies, or equipment not connected to a public works project:

1. A written description shall be drafted of the specific materials, supplies, or equipment to be purchased, including the number, quantity, quality, and type desired, the proposed delivery date, and any other significant terms of purchase;
2. The executive officer or their designee, shall make a good faith effort to contact at least three (3) of the vendors on the roster to obtain telephone or written quotations from the vendors for the required materials, supplies, or equipment;
3. The executive officer or their designee, shall not share telephone or written quotations received from one vendor with other vendors soliciting for the bid to provide the materials, supplies, or equipment;
4. A written record shall be made by the executive officer or their designee, of each vendor's bid on the material, supplies, or equipment, and of any conditions imposed on the bid by such vendor;

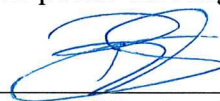
- D. Determining the Lowest Responsible Bidder.** The City of Winlock shall purchase the materials, supplies, or equipment from the lowest responsible bidder, provided that whenever there is reason to believe that the lowest acceptable bid is not the best price obtainable, all bids may be rejected, and the City of Winlock may call for new bids.
- E. Award.** All of the bids or quotations shall be collected by the executive officer or their designee. The executive officer, or their designee, shall create a written record of all bids or quotations received, which shall be made open to public inspection or telephone inquiry after the award of the contract. Any contract awarded under this subsection need not be advertised.
1. The executive officer, or their designee, shall then present all bids or quotations and their recommendation for award of the contract to the City Council of and shall consider all bids or quotations received, determine the lowest responsible bidder, and award the contract; or
 2. If the City Council delegates the authority to award bids to an executive officer of the City of Winlock for materials, supplies, or equipment costing less than or equal to the statutory threshold of the agency as provided in RCW 39.04.190, the executive officer shall have the authority to award public works contracts without City Council approval, provided that the City Council shall ratify the executive officer's approval at the next scheduled City Council meeting by means of the consent agenda. For materials, supplies or equipment costing more than the statutory threshold of the City of Winlock as provided in RCW 39.04.190, the City Council shall award all vendor contracts.
- F. Posting.** A list of all contracts awarded under these procedures shall be posted at City of Winlock main administrative offices once every two (2) 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, and the date it was awarded.

Section 5. Severability. If any section, sentence, clause, or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

Section 6. Effective Date. This ordinance shall take effect five (5) days after its publication, or publication of a summary thereof, in the City's official newspaper, or as otherwise provided by law.

Section 7. Corrections. Upon approval of the City Attorney, the City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbers, section/subsection numbers, and any references thereto.

PASSED by the Council of the City of Winlock, Washington, and **APPROVED** by the Mayor of the City of Winlock at a regularly scheduled open public meeting thereof, this 13th day of May, 2024.



Brandon Svenson, Mayor

Attest:


Penny Jo Haney, City Clerk

Approved as to form:


Marissa Y. Jay, WSBA # 55593
City Attorney

Approved Reading:

5/13 /2024

Publication Date:

5/15 /2024

Effective Date:

5/20 /2024