

RESOLUTION 2020 - 32

**A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF SUNNYSIDE, WASHINGTON, ESTABLISHING A SMALL  
PUBLIC WORKS ROSTER PROCESS TO AWARD PUBLIC WORKS  
CONTRACTS, PROFESSIONAL CONSULTING SERVICES,  
ENGINEERING AND VENDOR ROSTER FOR GOODS AND SERVICES**

**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; and

**WHEREAS**, the City Council finds and determines that such agreement is in the best interests of residents of the City of Sunnyside and will promote the general health, safety and welfare.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON, HEREBY RESOLVES** as follows:

**SECTION 1. MRSC Rosters.** The CITY OF SUNNYSIDE 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 use for small public works contracts, and consulting services developed and maintained by MRSC and authorized the City Manager to execute said agreement.

**SECTION 2. Small Public Works Roster.** The following small works roster procedures are established for use by the City pursuant to RCW 39.04.155:

- 1. 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 the limit established for the small works roster, or the current statutory limit in RCW 39.04.155, 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.

- 2. Publication.** At least once a year, on behalf of the City, MRSC 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 appropriate MRSC Roster(s) at any time that they complete the online application and meet minimum State requirements for roster listing.
  
- 3. Telephone, Written, or Electronic Quotations.** The City shall obtain telephone, written or electronic quotations for public works contracts from contractors on the appropriate small works roster to assure 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) and may establish supplementary bidder criteria under RCW 39.04.350 (2)
  - a. 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.
  - b. 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. "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.

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 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 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.
- c. 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;
- 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 bid quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry.

- 4. Limited Public Works Process.** The City 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 will solicit electronic or written quotations from a minimum of three 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 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 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.

- 5. 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. 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.

**6. Award.** All of the bids or quotations shall be collected by the City.

a) The City 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

b) If the City Council delegates the authority to award bids to the City Manager for public works projects costing less than or equal to \$7,500.00, the City Manager shall have the authority to award public works contracts without City Council approval, provided that the City Council shall ratify the City Manager's approval at the next scheduled City Council meeting by means of the consent agenda. For public works projects costing more than \$7,500.00, the City Council shall award all public works contracts.

**SECTION 3. Consulting Services Roster.** The following consulting services roster procedures are established for use by the City pursuant to RCW 39.80.030:

- 1. Consulting Services.** Consulting services are professional services that have a primarily intellectual output or product and include architectural and engineering services as defined in RCW 39.80.020.
- 2. Publication.** At least once a year, MRSC shall, on behalf of the City, publish in a newspaper of general circulation within the municipality's jurisdiction a notice of the existence of the consulting services roster and solicit the names of consultants for the consulting services roster. MRSC shall add responsible consultants to the consulting services roster at any time that a consultant completes the online application provided by MRSC, upload a Statement of Qualifications, and meets minimum State requirements for roster listing.
- 3. Review and Selection of the Statement of Qualifications Proposals.** The [type of agency] shall use the following process to select the most highly qualified Architectural or Engineering firm off of the Consulting Services Roster to provide the required services:

- a) The City shall establish criteria that the City Manager, or their designee, must consider in evaluating Architectural or Engineering firms for a given project. Such criteria shall include a plan to insure that minority and women-owned firms and veteran-owned firms are afforded the maximum practicable opportunity to compete for and obtain public contracts for architectural or engineering services. The level of participation by minority and women-owned firms and veteran-owned firms shall be consistent with their general availability within the jurisdiction of the City of Sunnyside.
- b) The City Manager, or their designee, shall evaluate the written statements of qualifications and performance data on file with the City of Sunnyside at the time that architectural or engineering services are required;
- c) Such evaluations shall be based on the criteria established by the City Council; and
- d) The City Manager, or their designee, shall conduct discussions with one or more firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required services.
- e) The firm deemed most highly qualified by the agency to do the project will be selected.

#### **4. Award**

- a) The City Council considers the proposal received and awards the contract; or
- b) If the City Council delegates the authority to award projects to the City Manager of the City of Sunnyside for consulting services costing less than or equal to \$7,500.00, the [executive officer] shall have the authority to award contracts for consulting services without City Council approval, provided that the City Council shall ratify the City Manager's approval at the next scheduled City Council meeting by means of the consent agenda. For consulting services costing more than \$7,500.00, the City Council shall award all contracts for consulting

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

- 1. Purchase of materials, supplies, or equipment not connected to a public works project.** The City 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 fifteen thousand dollars. The City will attempt to obtain the lowest practical price for such goods and services.

- 2. Publication.** At least twice per year, MRSC shall, on behalf of the City, 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.
- 3. Telephone, Written, or Electronic Quotations.** The City 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:

  - a) 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;
  - b) The City 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;
  - c) The City 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;
  - d) A written record shall be made by the City of each vendor's bid on the material, supplies, or equipment, and of any conditions imposed on the bid by such vendor;
- 4. Determining the Lowest Responsible Bidder.** The City 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 may call for new bids.
- 5. Award.** All of the bids or quotations shall be collected by the City. The City 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.

- a) The City 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
- b) If the City Council delegates the authority to award bids to the City Manager, or their designee, of the City for materials, supplies, or equipment costing less than or equal to the statutory threshold of the agency as provided in RCW 39.04.155, the City Manager, or their designee, shall have the authority to award public works contracts without City Council approval, provided that the City Council shall ratify the City Manager, or their designee'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 as provided in RCW 39.04.190, the City Council shall award all vendor contracts.

**6. Posting.** A list of all contracts awarded under these procedures shall be posted at the City's main administrative offices 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, and the date it was awarded.

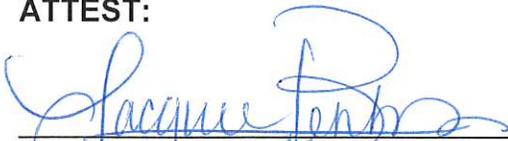
**PASSED** this 9th day of November, 2020



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FRANCISCO GUERRERO, MAYOR

**ATTEST:**



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JACQUELINE RENTERIA, CITY CLERK