

CITY OF MESA

RESOLUTION NO. 2014-04

A RESOLUTION OF THE CITY OF MESA, WASHINGTON, REPEALING RESOLUTION NO. 2011-14 AND ESTABLISHING NEW PROCEDURES RELATING TO PURCHASING AND PUBLIC WORKS CONTRACTING; ESTABLISHING A VENDOR LIST PROCESS FOR THE PURCHASING OF SUPPLIES, MATERIALS, AND EQUIPMENT AND A SMALL WORKS ROSTER PROCESS TO AWARD PUBLIC WORKS CONTRACTS

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 list process; and

WHEREAS, the Washington State Legislature in Chapter 138, Laws of 2000 and in Chapter 284, Laws of 2001, amended RCW 39.04.155 and other laws regarding contracting for public works by municipalities, allowing certain contracts to be awarded by a small works roster process; and

WHEREAS, in order to be able to implement vendor list and small works roster processes, the City is required by law to adopt a resolution establishing specific procedures;

NOW, THEREFORE, THE CITY COUNCIL OF CITY OF MESA, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

SECTION 1. Purchase of materials, supplies or equipment not connected to a public works project in an amount of \$7,500 or less. The City is not required to use informal or formal sealed bidding procedures or the procedures set forth in this resolution to purchase materials, supplies, or equipment for the purchase of any materials, supplies of equipment where the cost of same will not exceed \$7,500. The City will attempt to obtain the lowest practical price for such goods and services.

SECTION 2. Purchase of materials, supplies or equipment not connected to a public works project in an amount between \$7,500 and \$15,000 will be in accordance with RCW 39.04.190.

1. **Publication of Notice.** At least twice a year, the City shall publish, in the City's official newspaper, notice of the existence of a roster(s) of vendors for materials, supplies, and equipment, and shall solicit names of vendors for the roster.
2. **Electronic Rosters.** In addition to paper and/or electronic vendor lists kept on file in the appropriate department, the City may also use that state wide electronic database developed and maintained by the State of Washington Department of General Administration.
3. **Telephone Quotations.** The City shall use the following process to obtain telephone quotations from vendors for the purchase of materials, supplies, or equipment:
 - 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. A City representative shall make a good faith effort to contact at least three (3) of the vendors on the roster to obtain telephone solicitation quotations from the vendors for the required materials, supplies, or equipment;

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- c. The City representative shall not share telephone quotation from one vendor with other vendors solicited for the 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 material, supplies, or equipment, and of any conditions imposed on the bid by such vendor;
 - e. The City representative shall present to the City Council all telephone quotations and a recommendation for award of the contract to the lowest responsible bidder.
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. The City, in determining the lowest responsible bidder may take the following factors, 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.
 5. **Award.** City Council shall review quotations and recommendation by City staff and award the contract to the lowest responsible bidder. A written record of each vendor's quotations 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.
 6. **Posting.** A list of all contracts awarded under these procedures shall be posted at City 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 3. The following small works roster procedures are established for use by the City pursuant to RCW 35.23.352 and chapter 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 Three Hundred Thousand Dollars (\$300,000), 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. **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.
3. **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.

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4. **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 Mesa 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.
5. **Electronic Rosters.** In addition to paper and/or electronic rosters kept on file in the appropriate department, the City may also use that state wide electronic database developed and maintained by the State of Washington Department of General Administration.
6. **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 39.04.350, as follows:
 - a. 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.
 - 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 (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.

If the estimated cost of the work is from one hundred fifty thousand dollars (\$150,000) to three hundred thousand dollars (\$300,000), 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:

- (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 other electronic means.
- c. For purposes of this resolution, "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;
 - 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

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award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry.

- 7. **Limited Public Works Process.** If a work, construction, alteration, repair, or improvement project is estimated to cost less than thirty-five thousand dollars (\$35,000), the City may award such a contract using the limited public works process provided under RCW 39.04.155, subsection (3). For limited public works project, the City 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 39.04.350. 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 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 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.

- 8. **Determining Lowest Responsible Bidder.** The City Council shall award the contract for the public works project to the lowest responsible bidder as determined by RCW 39.04.350, 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.
- 9. **Award.** The Mayor 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 Ten Thousand Dollars (\$10,000), 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 Ten Thousand Dollars (\$10,000), the City Council shall award all public works contracts by resolution.

SECTION 4. Resolution 2011-14 is hereby repealed.

PASSED AND ADOPTED by the City Council of the City of Mesa and **APPROVED** by the Mayor this 25th day of March 2014.

David M. Ferguson, Mayor

ATTEST:

Teresa Standridge, Clerk Treasurer