

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE SMALL WORKS ROSTER PROCESS FOR THE AWARD OF PUBLIC WORKS CONTRACTS.

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

WHEREAS, the City of Kirkland seeks to amend the provisions of the Kirkland Municipal Code;

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. Section 3.85.205 of the Kirkland Municipal Code is hereby repealed.

Section 2. A new Section 3.85.205 of the Kirkland Municipal Code is hereby adopted to read as follows:

3.85.205 Award of contract from small works roster for public work estimated to cost less than two hundred thousand dollars.

(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), 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 roster may make distinctions between contractors based upon different geographic areas served by the contractor.

(c) Contractors on Small Works Roster. A small works roster shall consist of all responsible contractors who have requested to be on the roster 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.

(e) Interlocal Agreements. The City is authorized to enter into interlocal agreements with other local governments establishing multijurisdictional small works rosters. An interlocal contract or agreement between the City 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.

(f) 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 43.19.1911, 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) If the estimated cost of the work is from one hundred thousand dollars to two hundred thousand dollars, 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 work 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 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.

(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 obtained shall be recorded, open to public inspection, and available by telephone inquiry.

(6) At least once every year a list of the 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.

(g) 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. In addition to price, the City 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; and
- (4) the previous and existing compliance by the bidder with laws relating to the contract or services.

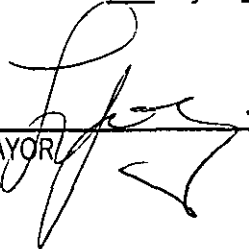
(h) Award. For public works projects over \$20,000, the Director of Finance or his or her designee shall present all telephone quotations or bids to the City Council and recommend for award of the contract to the lowest responsible bidder. For public works projects under \$20,000, the Director of Finance shall have the authority to award public works contracts without City Council approval.

Section 3. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected.

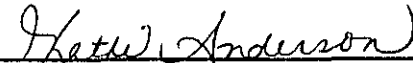
Section 4. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this 19th day of June, 2001.

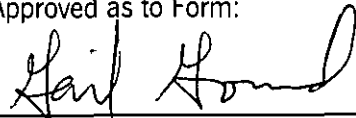
Signed in authentication thereof this 19th day of June, 2001.


MAYOR

Attest:


Acting City Clerk

Approved as to Form:


City Attorney
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