

RESOLUTION NO. 2008-21

A RESOLUTION OF THE TOWN OF GARFIELD, WASHINGTON, establishing 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, 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 small works roster processes, the town is required by law to adopt a resolution establishing specific procedures;

NOW, THEREFORE, THE TOWN COUNCIL OF TOWN OF GARFIELD, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Purchase of materials, supplies or equipment not connected to a public works project in an amount of \$7,500.00 or less. The town 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 \$7,500.00. The town 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 \$7,500.00 and \$15,000.00.

1. **Publication Of Notice.** At least twice a year, the town shall publish, in the town'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 **Telephone Quotations.** The town 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 by the town department head 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 town department head 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;
- c. The town department head 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 town department head of each vendor's bid on the material, supplies, or equipment, and of any conditions imposed on the bid by such vendor;

- e. The town department head shall present to the town council all telephone quotations and a recommendation for award of the contract to the lowest responsible bidder.

3. **Determining the Lowest Responsible Bidder.** The town 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 town may call for new bids. The town, in determining the lowest responsible bidder may take the following factors, in addition to price, into account:

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

4. **Award.** The town council shall review quotations and recommendation by town 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.

5. **Posting.** A list of all contracts awarded under these procedures shall be posted at Town Hall 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.

Section 3. The following small works roster procedures are established for use by the town pursuant to RCW 35.23.352 and chapter 39.04 RCW.

1. **Cost.** The town 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 (\$200,000.00), which includes the costs of labor, material, equipment and sales and/or use taxes as applicable. Instead, the town 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 town 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 town as a condition of being placed on a roster or rosters.

4. Publication. At least once a year, the town 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 town 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 Town of Garfield 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. Telephone or Written Quotations. The town public works superintendent 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 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 thousand dollars to two hundred thousand dollars, the town that chooses to solicit bids from less than all the appropriate contractors on the appropriate small works roster must also notify the remaining contractors on the appropriate small works roster that quotations on the work are being sought. The town 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 town 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 town 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 town 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.
- e) A list of the small works contracts awarded will be posted at least once every two months.
- f) At least once every year a list of the contracts awarded under that process is to be furnished to the town 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.

6. 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 Town may award such a contract using the limited public works process provided under RCW 39.04.155 (3). For a limited public works project, the Town 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 Town 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 Town shall have the right of recovery against the contractor for any payments made on the contractor's behalf.

The Town 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.

7. Determining Lowest Responsible Bidder. The town council shall award the contract for the public works project to the lowest responsible bidder per RCW 39.04.350 (1):

(1) Before award of a public works contract, a bidder must meet the following responsibility criteria to be considered a responsible bidder and qualified to be awarded a public works project. The bidder must:

(a) At the time of bid submittal, have a certificate of registration in compliance with chapter 18.27 RCW;

(b) Have a current state unified business identifier number;

(c) If applicable, have industrial insurance coverage for the bidder's employees working in Washington as required in Title [51](#) RCW; an employment security department number as required in Title [50](#) RCW; and a state excise tax registration number as required in Title [82](#) RCW; and

(d) Not be disqualified from bidding on any public works contract under RCW [39.06.010](#) or [39.12.065](#)(3).

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 town council may call for new bids. In addition to price, the town council shall take into account the following:

- a) the ability, capability, and skill of the bidder to perform the contract;
- b) whether the bidder can perform the contract within the time specified by the town;
- 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.

8. Award. All of the telephone bids or quotations shall be collected and presented at the same time to the town council for consideration, determination of the lowest responsible bidder, and award of the contract

PASSED BY THE TOWN COUNCIL OF THE TOWN OF GARFIELD, WASHINGTON, at a regular meeting this 13th day of August, 2008.

COUNCIL MEMBERS:

APPROVED:

Jarrod Pfaff, Mayor

ATTEST:

Annie Pillers, Clerk-Treasurer