

## Resolution No. 439

A RESOLUTION OF THE COUNCIL OF THE CITY OF FORKS, WASHINGTON, ON THE SUBJECTS OF ESTABLISHING A SMALL PUBLIC WORKS ROSTER PROCESS TO AWARD PUBLIC WORKS CONTRACTS, AND A CONSULTING SERVICES ROSTER FOR ARCHITECTURAL, ENGINEERING, AND OTHER PROFESSIONAL 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, Ch. 2.80 of the Forks Municipal Code (FMS) creates procedures on how such a process can be utilized by the City for a small works roster;

WHEREAS, the City has the need to utilize a consultants roster and believes that utilizing a statewide system may be in the best interest of the City;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF FORKS, WASHINGTON, PURSUANT TO Ch. 39.80 RCW and Ch. 2.80 FMC, HEREBY RESOLVES AS FOLLOWS:

- Section 1. MRSC Rosters.** The City 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 through MRSC Rosters and authorizes City Staff to sign that contract.
- Section 2. Small Public Works Roster.** The following small works roster procedures found at Ch. 2.80 FMC shall be utilized by the City with the following additional clarifications:
- 1. Publication.** When utilizing MRSC Rosters, the City shall ensure that 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 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.
  - 2. 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 (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.** Other than those projects that fall within the delegation to the Mayor found at FMC 2.80.080, 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.
6. **Award.** The award of any public works project shall be pursuant to the rules established in Ch. 2.80 FMC.

**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 City shall use

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.

- b) The Mayor, or their designee, shall evaluate the written statements of qualifications and performance data on file with the City 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 Mayor, 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.
- a) The firm deemed most highly qualified by the agency to do the project will be selected.

**2. 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 Mayor of the City Council for consulting services costing less than or equal to \$30,000, the Mayor shall have the authority to award contracts for consulting services without City Council approval provided that the City Council has delegated the Mayor's