

RESOLUTION NO. 1159

A RESOLUTION OF THE CITY OF CAMAS,  
WASHINGTON establishing a Small Works Roster and  
procedures for awarding public contracts for projects with an  
estimated cost of \$300,000.00 or less.

WHEREAS, RCW 39.04.155 and other laws regarding contracting for public works by  
municipalities permit certain contracts to be awarded by a small works roster process; and

WHEREAS, in order to be able to implement the small works roster process, the City is  
required by law to adopt a Resolution or Ordinance establishing specific procedures,

NOW, THEREFORE, the Council of the City of Camas, Washington, hereby resolves as  
follows:

SECTION I

The following small works roster procedures are established for use by the City of Camas  
pursuant to the provisions of RCW 35A.40.210, RCW 35.23.352, and RCW 39.04.155.

**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 Three Hundred Thousand Dollars  
(\$300,000.00), 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 rosters may make distinctions between contractors based upon different  
geographic areas served by the contractor.

**C. Contracts 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 said 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. An interlocal  
contract or agreement between 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.

**E. 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 jointly by the Daily Journal of Commerce and the Municipal Research and Services Center of Washington.

**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(9), 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.

If the estimated cost of the work is from one hundred fifty thousand dollars to three 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.
- 3) 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;
  - 4) 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.

**G. Limited Public Works Process.** If a work, construction, alteration, repair, or improvement project is estimated to cost less than thirty-five thousand dollars, 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 contractors from the appropriate small works roster and shall award the contract to the lowest responsible bidder as defined under RCW 43.19.1911(9). 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 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.

**H. Determining Lowest Responsible Bidder.** 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. RCW 43.19.1911(9) states:

"In determining "lowest responsible bidder", in addition to price, the following elements shall be given consideration:

- 1) The ability, capacity, and skill of the bidder to perform the contract or provide the service required;
- 2) The character, integrity, reputation, judgment, experience, and efficiency of the bidder;
- 3) Whether the bidder can perform the contract within the time specified;
- 4) The quality of performance of previous contracts or services;
- 5) The previous and existing compliance by the bidder with laws relating to the contract or services;
- 6) Such other information as may be secured having a bearing on the decision to award the contract:

**I. Award.** All of the telephone bids or quotations shall be collected and presented at the same time to the City Council for consideration, determination of the lowest responsible bidder, and award of the contract.

ADOPTED at a regular meeting of the City Council of the City of Camas this 3rd day of August, 2009.

SIGNED: Paul De  
Mayor

ATTEST: John M. Auger  
Clerk

APPROVED as to form:

G. J. Knapp  
City Attorney