

## **ORDINANCE NO. 1284**

**AN ORDINANCE** of the City of Stanwood, Washington, relating to contracting for services and public works projects and Chapter 1.10 of the Stanwood Municipal Code (SMC); amending SMC 1.10.020 to provide contracting authority for the Mayor of Stanwood for small works projects contracts that are equal to or less than \$35,000 in value, and allowing the use of the small works roster process for public works contracts that have an estimated costs of \$300,000 or less; adding new Section 1.10.030 to SMC Chapter 1.10 to provide contracting authority for the Mayor of Stanwood for professional and nonprofessional service contracts that are equal to or less than \$35,000 in value; adding a new section 1.10.040 to SMC Chapter 1.10 to authorize the use of the small works and consulting rosters developed and maintained by the Municipal Research and Services Center; and repealing Resolution No. 2007-16.

**WHEREAS**, SMC Chapter 1.10 establishes a process for awarding public works contracts, including a small works roster process that is set forth in SMC 1.10.020; and

**WHEREAS**, currently all public works contracts regardless of their value are presented to the City Council for authorization and approval; and

**WHEREAS**, the City Council desires to amend SMC Chapter 1.10 to authorize the Mayor of Stanwood to execute both public works contracts and professional/nonprofessional service agreements when such contracts have been already been appropriated in the budget and have a value that is \$35,000 or less; and

**WHEREAS**, at its October 14, 2010 meeting, the Council requested that the Public Works Director and City Attorney prepare an ordinance for submission to the City Council that would amend SMC Chapter 1.10 to authorize the Mayor to execute both public works contracts and professional/nonprofessional service agreements with a value of not to exceed \$35,000 per contract providing the funds for such contracts have been already been appropriated in the budget; and

**WHEREAS**, the Washington State Legislature amended RCW 39.04.155 to provide that the small works roster process may be used for public works projects that have an estimated cost of \$300,000 or less; and

**WHEREAS**, the City Council also desires to amend SMC 1.10.020 to reflect said changes in state law and allow the use of the small works roster for public works projects that have an estimated costs of \$300,000 or less; and

**WHEREAS**, Resolution No. 2007-16 previously provided a small works roster process for awarding and entering into public works contracts that were under a certain dollar threshold; and

WHEREAS, in order to avoid any potential inconsistencies in the small public works roster process set forth in Resolution No. 2007-16 and SMC Chapter 1.10, it is also recommended that Resolution No. 2007-16 be repealed;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF STANWOOD, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 1.10.020 of SMC Chapter 1.10 is hereby amended to read as follows:

**“1.10.020 Small works roster.**

(1) Established. There is hereby established a small works roster for public works projects as provided in RCW 35.23.352(3).

(2) Whenever the city of Stanwood seeks to construct any public work or improvement, the estimated cost of which, including costs of material, supplies and equipment, is \$4300,000 or less or such other amount as authorized by RCW 39.04.155 and/or other applicable law, the small works roster may be utilized.

(3) Publication. ~~Twice~~ Once a year, the city shall publish a notice in a newspaper of general circulation within the jurisdiction~~the city's official newspaper and the Daily Journal of Commerce~~, stating the existence of the small works roster, and ~~shall solicit~~ names of contractors for the roster.

(4) Contractors on Small Works Roster. The small works roster shall consist of contractors who:

(a) Have requested to be on the roster; and

(b) Are properly licensed or registered in this state to perform the work.

(5) Written Quotations. The city shall obtain written quotations for public works contracts under this section as follows:

(a) The city shall write a description of the scope and nature of the work to be done, together with any other specifications required.

(b) A city representative shall contact, when possible, at least five appropriate contractors to bid.

(c) Once a contractor has been afforded an opportunity to submit a proposal, that contractor may not be solicited again until all other contractors in the appropriate category have had an opportunity to bid.

(d) After the bids have been submitted, the city shall award the contract to the contractor submitting the lowest responsible bid; provided, that ~~the~~ city reserves its right, under applicable law, to reject any or all bids. A responsible bidder shall

be a registered and licensed contractor who meets the mandatory bidder responsibility criteria established by RCW 39.04.350 and any supplemental bidder responsibility criteria established by the City

~~(e) If only one or two bids are received, the city council shall award the contract to 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 council may call for new bids.~~

(6) Limited public works contracts. Contracts for small works projects that are estimated to cost less than \$35,000 may be selected in accordance with the limited public works contract process set forth in RCW 39.04.155(3), including the solicitation of electronic or written quotations from a minimum of three contractors from the small works roster and awarding the contract to the lowest responsible bidder; provided, that the city reserves its right, under applicable law, to reject any or all bids.

~~(67) Award. Immediately after the contract award is made, the written record of each contractor's bids or quotations shall be open to public inspection and available to the public by telephone inquiry.~~

(8) Contracts for small works projects with a value greater than \$35,000 per contract shall be subject to the approval of the city council. Nothing in this subsection shall be construed to permit the division of a public works contract into more than one phase or unit for purposes of avoiding this limitation.

(9) Contracts for small works projects with a value of equal to or less than \$35,000 per contract, shall be subject to the award, approval of and execution by the mayor or the mayor pro tem in the absence of the mayor; provided, that the funds for such contracts have been appropriated in the subject budget. The mayor or mayor pro tem in the absence of the mayor or a designee shall report to the council about each project and provide the council with a report on the quotations, determination of the lowest responsible bidder, and award of the contract.

(10) If the funds for any such contract have not been appropriated in the budget, such contract shall be subject to approval by the council, irrespective of the value of the contract. Additionally, during the annual budget process, the council may designate and require that any particular public works contract be subject to future council approval irrespective of the value of the contract."

Section 2. A new Section 1.10.030 is hereby added to SMC Chapter 1.10 and shall read as follows:

**"1.10.030 Contract requirements for professional and nonprofessional services.**

(1) All professional and nonprofessional services to be performed for or on behalf of the city by persons other than city employees shall be by contract and shall be subject to the requirements set forth herein.

(2) Except as otherwise required herein and/or by state or federal law, no formal or informal bidding shall be required for the purchase of professional or nonprofessional services.

(3) Architectural, engineering and surveying services shall be procured in accordance with RCW Chapter 39.80 and other applicable state and federal law.

(4) City employees shall continue on an ongoing basis to obtain the lowest practical price for professional and nonprofessional services pursuant to this section.

(5) All contracts for professional or nonprofessional services with a value greater than \$35,000 per contract, shall be subject to the approval of the city council. Nothing in this subsection shall be construed to permit the division of a contract for professional or nonprofessional services into more than one phase or unit for purposes of avoiding this limitation.

(6) Contracts for professional or nonprofessional services with a value of equal to or less than \$35,000 per contract, shall be subject to the approval of and execution by the mayor or the mayor pro tem in the absence of the mayor; provided, that the funds for such contracts have been appropriated in the subject budget. The mayor or mayor pro tem in the absence of the mayor or a designee shall report to the council regarding each service contract.

(7) If the funds for any such contract have not been appropriated in the budget, such contract shall be subject to approval by the council, irrespective of the value of the contract. Additionally, during the annual budget process, the council may designate and require that any particular contract for professional or nonprofessional services be subject to future council approval irrespective of the value of the contract.”

Section 2. A new Section 1.10.040 is hereby added to SMC Chapter 1.10 and shall read as follows:

**“1.10.040 MRSC small works and consulting service rosters.**

The city may contract with the Municipal Research and Services Center (MRSC) to adopt for city use state wide electronic databases and rosters for small public works and consulting services developed and maintained by MRSC.”


Section 4. Resolution No.2007-16 is repealed in its entirety.

Section 5. If any section, sentence, clause, of phrase of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

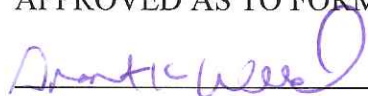
Section 6. This ordinance shall take effect and be in force five (5) days after its passage, approval and publication as provided by law.

**PASSED** by the City Council this 15<sup>th</sup> day of November, 2010.

**APPROVED** by the Mayor this 15<sup>th</sup> day of November, 2010.

  
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Dianne White, Mayor

ATTEST/AUTHENTICATE:  
  
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Melissa Collins, City Clerk

APPROVED AS TO FORM:  
  
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Grant K. Weed, City Attorney