

RESOLUTION No. 2024-782

A RESOLUTION OF CITY OF WAITSBURG, WASHINGTON, ON THE SUBJECTS OF ESTABLISHING A SMALL PUBLIC WORKS ROSTER AND THE AUTHORITY TO USE THE ROSTER PROCESS TO AWARD SMALL PUBLIC WORKS CONTRACTS, A CONSULTANT SERVICES ROSTER FOR GENERAL CONSULTING AND OTHER PROFESSIONAL SERVICES, AND A VENDOR ROSTER FOR GOODS AND SERVICES.

WHEREAS, RCW 39.04.151 – 154 and other laws regarding contracting for public works by authorized local governments, allow certain contracts to be awarded by a small works roster process; and

WHEREAS to be able to implement a small works roster and process, the CITY OF WAITSBURG is required to adopt a resolution, establish reporting procedures that are publicly available, and commit to providing the most practicable opportunities for small businesses when using Direct Contracting; and

WHEREAS to be able to use Direct Contracting on occasion, the CITY OF WAITSBURG is required to develop a Small Business Utilization Plan; and

WHEREAS, chapter 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, 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 using a vendor list.

NOW, THEREFORE, THE CITY OF WAITSBURG, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. MRSC Rosters. CITY OF WAITSBURG hereby elects to use the statewide small works roster established under RCW 39.04.151(2) and administered by the Municipal Research Services Center of Washington (MRSC).

Section 2. Small Works Roster. CITY OF WAITSBURG adopts the following to use in the management and awards of small public works projects as allowed under RCW 39.04.152. The CITY OF WAITSBURG will maintain separate procedures and contracting templates for small works roster contracts.

- A. Small Works, as defined by RCW 39.04.152 are public works projects estimated to cost \$350,000 or less, excluding sales tax, for the construction, renovation, remodeling, repair, or improvement of real property.

- B. A Small Works Roster is a pre-established list of properly licensed contractors, registered to do business with CITY OF WAITSBURG under selected project types and (work) categories.
- C. The Small Works Roster process is an alternative to publicly advertising public work projects.
- D. Every small works contract is subject to the same public works bidding, award, and compliance requirements of chapter 39.04 RCW unless specifically included in RCW 39.04.151 – 154, this resolution, or the City’s policies or procedures.
- E. Small Work Roster contract procurements will be bid electronically through the CITY OF WAITSBURG’s procurement processes, except as may be used in small works roster direct contracting process. (RCW 39.04.152(4))
- F. Only those contractors registered with MRSC Rosters will be invited to bid on small works roster projects.
- G. **Invitations for bid** or direct contracting negotiations 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.
- H. Small Works contracts will be awarded to a responsible contractor (RCW 39.04.350) submitting the lowest responsive bid, unless using direct contracting where a contract will be awarded to a responsible contractor submitting a competitive bid or negotiated bid.
- I. Small Works bidding and award information will be entered by CITY OF WAITSBURG into the statewide small works roster platform immediately upon conclusion of each small works roster award.
- J. Small Works bidding and award data will be part of the CITY OF WAITSBURG’s procurement files and records and all documents will be available for review with the CITY OF WAITSBURG’s clerk.
- K. **Annual Notification and Invitation.** At least once a year, MRSC shall, on behalf of the CITY OF WAITSBURG publish in a newspaper of general circulation within the municipality’s jurisdiction a notice of the existence of the small works roster and invite contractors to register on the statewide small works roster. Additionally, as required by RCW 39.04.151(1)(c), MRSC will notify the Office of Minority and Women’s Business Enterprise (OMWBE) directory of certified firms and invite small businesses to apply to the roster.

- L. 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.

M. **Direct Contracting.**

The CITY OF WAITSBURG intends to use the direct contracting option (RCW 39.04.152(4)) whenever practicable for Small Works projects estimated to cost \$150,000 or less, excluding sales tax. The CITY OF WAITSBURG has developed additional policies and procedures to ensure the CITY OF WAITSBURG uses Direct Contracting with the spirit and intent of the statute; and are incorporated herein as follows:

1. Direct Contracting Procedures (including rotation and negotiation options)
2. Business Utilization Plan

The CITY OF WAITSBURG delegates authority to oversee and manage the use and outcomes of the small works roster to City Administrator. As the delegated authority, the City Administrator will be responsible for ensuring all necessary policies, procedures, templates, contracts or similar are developed and used in accordance with the applicable statutes and guidance provided by MRSC.

Further, the City Administrator will be responsible for establishing and implementing the CITY OF WAITSBURG's Business Utilization Plan and reporting annually on the utilization and improvements needed to the policy or contracting processes to meet or exceed the established goals for small business utilization through the Direct Contracting opportunities.

The City Administrator will also be responsible for data collection, reporting, and similar on all activities, uses, and awards for small works and will ensure all information is provided to MRSC, the state, or the public as required or requested.

Section 3. Consultant Services Roster. CITY OF WAITSBURG adopts the use of the MRSC Rosters Consultant Roster (vendor list) to be used for the procurement and award of consultant services.

- A. **Consultant Services.** Consultant services can be "personal services" such as technical expertise, studies, project management, planning, or similar, or "architecture and engineering services" or "professional services" services as defined by chapter 39.80 RCW. For all services, CITY OF WAITSBURG reserves the right to procure using methods other than formal sealed bidding (low bid) as afforded under RCW 39.04.190.
- B. **Soliciting to join the Consultant Roster.** MRSC Rosters, as provided as part of their membership service, will publish twice a year, in a newspaper of general

circulation within the CITY OF WAITSBURG's county, a notice of the existence of the Consultant Roster and solicit consultants to join on our behalf. (RCW 39.04.190(2))

C. **Procuring Consultants.** The CITY OF WAITSBURG adopts the following as policies, procedures or similar when contracting for consultant services:

1. **Personal Services.**

- a. Personal consultants, firms and individuals that provide subject matter expertise, or services more intellectual in nature such as studies, accounting, legal, project management, or similar shall be procured using a Request for Proposal (RFP). Selection should be based on the best value provided to the CITY OF WAITSBURG and include scoring on experience and expertise in the field or industry needed, a proposed approach to completing services, capabilities of the businesses staff, time, and cost to complete the work.

2. **Professional Services.**

- a. Professional architecture and engineering services shall be procured under the requirements of chapter 39.80 RCW, using the MRSC Consultant Roster. Procuring professionals will be through a Request for Qualification (RFQ) and/or Request for Proposals (RFP) with Qualifications. Price and/or the cost of the professional services will be 10% or less of the overall score. Selection criteria should clearly define the scope of services and the details on how the CITY OF WAITSBURG will determine the most qualified professional (or firm), which will be different depending on the CITY OF WAITSBURG need. Further, selection criteria shall include a plan, as appropriate, to include minority and women-owned firms, small business, and veteran-owned firms to the maximum extent practicable.

3. **Electronic Submissions.** As required by RCW 39.04.190(2), the CITY OF WAITSBURG established the following procedure for securing written proposals or submittals for consultant services.

- a. Unless otherwise adopted, through the establishment of an e-procurement tool, the CITY OF WAITSBURG will use email communications to request and receive submissions.
- b. An RFQ or RFP shall be developed that will include at a minimum a description of the services needed, the time of performance, the scoring criteria with descriptions and relative weighting, the schedule with due dates, and any other relevant information. Attached to each RFQ or RFP shall be the intended contract to be signed.

- c. A selection committee will be formed with at least 3 staff members or members of the Waitsburg City Council, to review and score the submissions. The selection committee will sign statements attesting they have no conflicts of interest in the matter and all proceedings will be confidential until Award.
- d. A list of business will be pulled from the MRSC Rosters consultant roster under the category of need, and an email request will be sent only to the businesses on the roster list of businesses.
- e. Once submittals are received, the selection committee will review, score, and recommend award to the consultant who scored the highest.
- f. **Records.** The original request, responses, scoring, and award documentation will be kept in the CITY OF WAITSBURG's records and will be available upon request.

4. **Award of Consultant Contracts.**

There may be two methods for awarding consultant services contracts.

- a. The Waitsburg City Council reviews and scores all proposal(s) or statements of qualifications received, negotiates or similar and then awards the contract; or
- b. If the Waitsburg City Council delegates the authority to award contracts to the City Administrator for consulting services costing less than or equal to \$25,000, the City Administrator shall have the authority to award contracts for consulting services without Waitsburg City Council approval, provided that the Waitsburg City Council shall ratify the City Administrator's signature and delegation of authority through the CITY OF WAITSBURG's standard process for such matters. For consulting services anticipated with an anticipated value more than \$25,000, the Waitsburg City Council shall review, score, and award all contracts for consulting services.

- D. **Posting of Awards.** In accordance with RCW 39.04.200, all consultant/services contract awards will be posted to the CITY OF WAITSBURG's website at least every other month.

Section 4. Vendor Roster. CITY OF WAITSBURG adopts the use of the MRSC Rosters Vendor Roster (vendor list) to be used for the procurement and award of materials, supplies, equipment or similar. The following vendor list roster

procedures are established for use by the CITY OF WAITSBURG pursuant to RCW 39.04.190 and CITY OF WAITSBURG policies:

- A. **Purchase of materials, supplies, or equipment not connected to a public works project.** The CITY OF WAITSBURG is not required to use formal sealed bidding procedures to purchase materials, supplies, or equipment not connected to a public works project where the cost will not exceed the threshold of \$350,000. The CITY OF WAITSBURG will attempt to obtain the lowest practical price for such goods and services.
- B. **Publication.** At least twice per year, MRSC shall, on behalf of the CITY OF WAITSBURG, publish in a newspaper of general circulation within the municipality's jurisdiction a notice of the existence of the vendor list roster and solicit the names of vendors for the vendor list roster. MRSC shall add vendors licensed to do business in the State of Washington to the Vendor Roster at any time when a vendor completes the online application and meets and minimum requirements.
- C. **Electronic Quotations.** The CITY OF WAITSBURG shall use the following process to obtain written quotations from vendors for the purchase of materials, supplies, or equipment not connected to a public works project:
 - 1. A written Invitation (to Bid or Quote) with description shall be drafted for the specific materials, supplies, or equipment to be purchased, including the number, quantity, quality, and type desired, the proposed delivery date, together with any evaluation criteria and any relevant information of the purchase. The contract intended to be signed by the successful vendor is also to be included in with the invitation.
 - 2. The City Administrator, or their designee, shall make a good faith effort to contact at least three (3) of the vendors on the roster to obtain written quotations from the vendors for the required materials, supplies, or equipment;
 - 3. The City Administrator, or their designee, shall not share written quotations received from one vendor with other vendors soliciting for the bid to provide the materials, supplies, or equipment;
 - 4. A written record shall be made by the City Administrator, or their designee, of each vendor's bid on the material, supplies, or equipment, and of any conditions imposed on the bid by such vendor;
- D. **Determining the Lowest Responsible Bidder.** The CITY OF WAITSBURG 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 CITY OF WAITSBURG may call for new bids.

- E. **Award.** All of the bids or quotations shall be collected by the City Administrator or their designee. The City Administrator, or their designee, shall create a written record of all bids or quotations received, which shall be made available by request after the award of the contract.
1. The City Administrator, or their designee, shall then present all bids or quotations and their recommendation for award of the contract to the City Council. The City Council shall consider all bids or quotations received, determine the lowest responsible bidder, and award the contract; or
 2. If the Waitsburg City Council delegates the authority to award bids to the City Administrator of the CITY OF WAITSBURG for materials, supplies, or equipment costing less than or equal to \$25,000, the City Administrator shall have the authority to award public works contracts without Waitsburg City Council approval, provided that the Waitsburg City Council shall ratify the City Administrator's approval at the next scheduled Waitsburg City Council meeting by means of the consent agenda. For materials, supplies or equipment costing more than the statutory threshold of \$25,000, the Waitsburg City Council shall award all vendor contracts.
- F. **Posting of Awards.** In accordance with RCW 39.04.200, all vendor contract awards will be posted to the CITY OF WAITSBURG's website at least every other month. The posting will include the vendor awarded the contract, the amount of the contract, a brief description of the items purchased, and the date it was awarded.

PASSED this 16 day of October, 2024.

APPROVED:

Marty Dunn, Mayor

ATTEST:

Randy Hinchliffe, City Clerk

APPROVED AS TO FORM:

Jared Hawkins - City Attorney