

ORDINANCE NO. 2010-36

AN ORDINANCE of the City of Bainbridge Island, Washington, relating purchasing and public works procedures and amending Section 3.72 of the Bainbridge Island Municipal Code.

WHEREAS, the City Council is authorized to modify the city code in accordance with Washington State laws; and

WHEREAS, City Council wishes to change certain references in Section 3.72 of the Bainbridge Island Municipal Code, Purchasing and Public Works Procedures, to reflect the authority of the City Manager to award contracts; now, therefore,

THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DOES ORDAIN, AS FOLLOWS:

Section 1. Section 3.72.110 of the Bainbridge Island Municipal Code is amended to read as follows:

3.72.110 Public works – Small works roster procedure

Whenever the city uses the small works roster for a public works project with an estimated cost below the small works roster threshold authorized by RCW 39.04.155, as now existing or hereafter amended, the city shall follow the following procedure:

A. To ensure that a competitive price is established and that the public works contract is awarded to the lowest responsible bidder, the public works director shall secure written or electronic proposals from the appropriate contractors on the roster. Proposals may be invited from all contractors on the roster. Alternatively, proposals may be invited from at least five contractors on the 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; provided, that if the estimated cost of the work is \$300,000 or less ~~from \$100,000 to \$200,000~~ and proposals are invited from less than all the appropriate contractors on the small works roster, the public works director shall notify the remaining appropriate contractors that proposals on the work are being sought. The public works director, at the director's option, shall notify the remaining appropriate contractors by:

1. Publishing notice in the official newspaper or a newspaper of general circulation in the city;
2. Mailing notice to the remaining appropriate contractors; or
3. Sending a notice to the remaining appropriate contractors by facsimile or other electronic means.

For purposes of this subsection, “equitably distribute” shall mean that the city shall not favor certain contractors on the small works roster over other contractors on the small works roster who perform similar services.

B. The invitation for proposals shall include an estimate of the scope and nature of the work to be performed as well as the materials and equipment to be furnished. However, detailed plans and specifications need not be included in the invitation.

C. A contract awarded from the small works roster need not be advertised.

D. The city manager ~~public works director~~ shall award the contract to the lowest responsible bidder.

E. Immediately after an award is made pursuant to the small works roster procedure, the public works director shall record the bid proposals obtained for the contract. The bid proposals shall be open to public inspection and shall also be available to the public by telephone inquiry.

F. The public works director shall post a list of the contracts awarded using the small works roster at least once a year. The list shall contain the names of the contractors awarded the contracts, the amount of the contracts, a brief description of the type of work performed under the contracts, and the date the contracts were awarded. The list shall also state the location where the bid proposals for the contracts are available for public inspection.

G. Nothing in this section shall be construed to permit the division of a public works project into units of work or classes of work to avoid the maximum dollar amount of a contract that may be awarded using the limited public works process.

Section 2. Section 3.72.120 of the Bainbridge Island Municipal Code is amended to read as follows:

3.72.120 Public works – Limited public works projects process.

A. In lieu of awarding contracts under BIMC 3.72.110, the city manager ~~public works director~~ may award a contract for a public works project estimated to cost less than \$35,000 pursuant to the limited public works process set forth in this section. Public works projects awarded under this section are exempt from the other requirements of the formal bidding and small works roster process set forth in this chapter.

B. For any limited public works projects, the public works director shall solicit electronic or written quotations from a minimum of three appropriate contractors from the small works roster.

C. The ~~city manager public works director~~ shall award the contract to the lowest responsible bidder.

D. After an award is made, the quotations shall be open to public inspection and available by electronic request.

E. The public works director shall attempt to distribute opportunities for limited public works projects equitably among contractors willing to perform in the geographic area of the work.

F. The public works director shall maintain a list of the contractors contacted and the contracts awarded during the previous 24 months under the limited public works project 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 that the contract was awarded.

G. For limited public works projects, the public works director may waive the payment and performance bond requirements of Chapter 39.08 RCW, and the retainage requirements of Chapter 60.28 RCW; provided, however, that such waiver shall not compromise or limit the city's right of recovery against the contractor for any payments made by the city on the contractor's behalf.

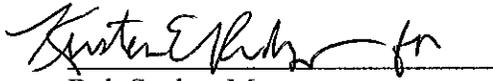
H. Nothing in this section shall be construed to permit the division of a public works project into units of work or classes of work to avoid the maximum dollar amount of a contract that may be awarded using the limited public works process.

I. At the completion of contracted public works projects, as confirmed by the Public Works Director or designee, the City Manager shall accept said work.

Section 3. 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 10th day of November 2010.

APPROVED by the Mayor this 10th day of November 2010.



Bob Scales, Mayor

ATTEST/AUTHENTICATE:

Rosalind D. Lassoff
Rosalind D. Lassoff, City Clerk

FILED WITH THE CITY CLERK: November 10, 2010
PASSED BY THE CITY COUNCIL: November 10, 2010
PUBLISHED: November 12, 2010
EFFECTIVE DATE: November 17, 2010
ORDINANCE NO.: 2010-36