

**ORDINANCE NO. 14-1035**

AN ORDINANCE OF THE CITY OF THE CITY OF BLACK DIAMOND, WASHINGTON, RELATING TO THE PROCEDURES FOR THE PROCUREMENT OF MATERIALS, EQUIPMENT AND SUPPLIES, PUBLIC WORKS CONTRACTING, SMALL WORKS ROSTER AND LIMITED PUBLIC WORKS CONTRACTING, DESCRIBING THE PROCESS FOR CONTRACTING IN A GRAPH FORMAT; INCREASING THE DOLLAR AMOUNT FOR SMALL WORKS ROSTER PROCESS CONTRACTING TO THREE HUNDRED THOUSAND, AS ALLOWED BY RCW 39.04.155, AMENDING THE SMALL WORKS ROSTER PROCESS TO BE CONSISTENT WITH RCW 39.04.155 AND 39.04.200, REPEALING RESOLUTION 14-957, REPEALING SECTION 2.90.010 BDMC, ADDING A NEW SECTION 2.90.010; AMENDING SECTION 2.90.030 OF THE BLACK DIAMOND MUNICIPAL CODE.

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WHEREAS, the City has a procedure for the purchase of supplies, materials, equipment, small works and public works contracting in chapter 2.90 BDMC; and

WHEREAS, these procedures could be improved by listing the monetary limits and applicable procedures in a graph format; and

WHEREAS, Resolution 14-957 covers the subject of contracting, and can be incorporated into this ordinance so that all contracting procedures are in on place; and

WHEREAS, the Washington State Legislature increased the dollar limits for the small works roster process, and the City's code needs to be amended to be consistent with state law (RCW 39.04.155); Now, therefore,

THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON,  
ORDAINS AS FOLLOWS:

Section 1. Resolution No. 14-957 is repealed and/or void and of no effect.

Section 2. Section 2.90.010 of the Black Diamond Municipal Code is hereby repealed.

Section 3. A new Section 2.90.010 is hereby added to the Black Diamond Municipal Code, which shall read as follows:

**2.90.020 Generally.** The following describes the procedures that the City is required to use in order to purchase materials, supplies or equipment, whether associated with a public work or not, the procedures to be used for contracts involving services and contracts involving public works.

A. Materials, supplies and equipment (no public work involved):

<i>Cost</i>	<i>Procedure</i>
\$7,500.00 or less <sup>1</sup>	City selection, no competitive bids or contract
\$7,501.00 to \$15,000.00 <sup>2</sup>	Purchase contract process (Section 2.90.020)
\$15,000.00 and over	Competitive bidding and contract

B. Professional and Personal Services Contract.

<i>Cost</i>	<i>Procedure</i>
Any amount	Chapter 39.80 RCW; Architectural and Engineering Services – advertise, request for qualifications require, Council must vote to authorize Mayor to sign contract.
\$7,500.00 or less	Mayor and one member of the Finance Committee can approve contract as long as there is money to cover the cost of services in the City’s budget.
\$15,000.00 or less	Mayor can approve the contract if there is money to cover cost of services and the services are specifically included as a line item in the City’s budget.
\$15,000.00 or more	Council must vote to authorize Mayor to sign the contract.

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<sup>1</sup> RCW 35A.40.210 (code cities under 20,000 population), RCW 35.23.352(6).

<sup>2</sup> RCW 35.23.352(8) and RCW 39.04.190.

C. Public Works Projects.

*One craft or trade involved or street signalization or street lighting*<sup>3</sup>

\$40,000.00 or less                      By contract or day labor without competitive bids<sup>4</sup>

*Two or more crafts or trades involved*

\$65,000                                      By contract or day labor without competitive bids<sup>5</sup>

Public works projects not covered above:

\$300,001.00 or more                      By contract using competitive bidding<sup>6</sup>

\$300,000.00 or less                      By contract using small works roster process<sup>7</sup> (described in Section 2.90.030);

\$35,000.00 or less                      By contract using the limited public works process<sup>8</sup> (described in Section 2.90.030(G)).

Section 4.      Section 2.90.030(A) of the Black Diamond Municipal Code is hereby amended to read as follows:

**2.90.030 Small works roster procedures.**

The following small works roster procedures are established for use by the City pursuant to RCW 35.23.352, RCW 35A.40.210 and chapter 39.04 RCW, specifically, RCW 39.04.155 and .200.

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 ~~two~~three hundred thousand dollars, 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 done for the purpose of avoiding the maximum dollar amount of a contract that may be left using the small works roster process.

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<sup>3</sup> This amount includes the cost of materials, supplies and equipment. A public works project means a complete project. The project cannot be divided into units of work or classes of work in order to avoid the restrictions herein.

<sup>4</sup> RCW 35.23.352(1).

<sup>5</sup> RCW 35.23.352(1).

<sup>6</sup> RCW 35.23.352(1).

<sup>7</sup> RCW 39.04.155.

<sup>8</sup> RCW 39.04.155(3).

F. Telephone or Written Quotations. The City shall use the following process to 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:

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 subsection 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.

3. If the estimated cost of the work is from one hundred fifty thousand dollars to ~~two~~ 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.

~~3.4.~~ For purposes of this section, “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.

~~4.5.~~ 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.

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J. Listing of contracts awarded.<sup>9</sup> When the small works roster or limited public works process has been used to award contracts for the construction, building, renovation,

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<sup>9</sup> RCW 39.04.200.


remodeling, alteration, repair or improvement of real property, the City shall make available a list of the contracts awarded under that process at least once a year. The list shall contain the name of the contractor or vendor awarded the contract, the amount of the contract, a brief description of the type of work performed under the contract and the date it was awarded. The list shall also state the location where the bid quotations for these contractors are available for public inspection.

Section 5. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be 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.

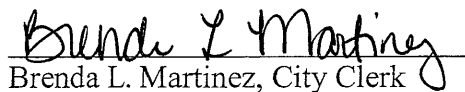
Section 6. Publication and Effective Date. This Ordinance shall be published by an approved summary consisting of the title. This ordinance shall be effective five days after publication, as provided by law.

PASSED by the Council and approved by the Mayor of the City of Black Diamond, this 2<sup>nd</sup> day of Oct, 2014.

CITY OF BLACK DIAMOND

  
\_\_\_\_\_  
Mayor Dave Gordon

ATTEST/AUTHENTICATED:

  
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Brenda L. Martinez, City Clerk

APPROVED AS TO FORM:  
Office of the City Attorney

Carol A. Morris, City Attorney

FILED WITH THE CITY CLERK: 10/3/14  
PASSED BY THE CITY COUNCIL: 10/2/14  
PUBLISHED: 10/7/14  
EFFECTIVE DATE: 10/12/14  
ORDINANCE NO: 14-1035