

ORDINANCE NO. O-24-820

AN ORDINANCE OF THE CITY OF MAPLE VALLEY, WASHINGTON, REPEALING CITY CODE CHAPTER 2.75, ENTITLED "CITY CONTRACTING," IN ITS ENTIRETY AND REPLACING IT WITH A NEW CHAPTER 2.75; REPEALING RESOLUTIONS RELATING TO SMALL OR LIMITED PUBLIC WORKS PROCESSES; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND AUTHORIZING SUMMARY PUBLICATION BY ORDINANCE TITLE.

RECITALS

1. The city has not revised its code relating to procurement of goods, services, architectural and engineering services and public works for some time. Past revisions need to be updated for consistency throughout the chapter.
2. The state legislature recently enacted a number of revisions to existing laws dealing with contracting for public works projects. Most of these new laws take effect on July 1, 2024.
3. With past revisions to the city code and new changes enacted by the state legislature, it is appropriate to repeal the existing code relating to city contract and adopt a newly revised code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CLYDE HILL, WASHINGTON, DO ORDAIN AS FOLLOWS:

ORDINANCE

Section 1. Repealer. Chapter 2.75 of the Maple Valley municipal code is REPEALED in its entirety.

Section 2. Resolutions Repealed. Resolution R-08-628 as amended by R-09-698, relating to procurement and processes for small work or limited public works are REPEALED in their entirety.

Section 3. City Contracting code adopted. The city council adopts a new chapter 2.75 of the city code, entitled, "City Contracting," as follows:

2.75.010 Purpose.

The purpose of these policies is to ensure the purchase of goods and services at a reasonable cost, using an open, fair, documented, and competitive process in compliance with State and local laws. To effectuate this purpose, the city's policies seek to remain compliant with laws pertaining to code cities with a population over 20,000. Currently, RCW 35A.40.210 requires cities with a population greater than 20,000 to be governed by RCW 35.23.352 when constructing public works and RCW 35.22.620 when procuring goods and services. The city seeks to establish consistent and effective practices for price solicitations and contracting to promote equitable treatment for those who deal with the city. In addition, the city seeks to obtain the best quality for the best value, to establish appropriate authorization for the execution of contracts, and to guide city employees who are responsible for procuring goods, services, A&E services, and public works for the city. All procurements are to be made within budgetary limitations as established within the various departmental and project funds approved in the city's biennial budget. (Ord. O-10-406 § 1).

2.75.015 State law requirements.

A. All public works, purchases of goods, and procurement of services, including A&E services, are subject to various provisions of the Revised Code of Washington, as now enacted or later amended or recodified, including without limitation, the following:

1. RCW [9.18.120](#) and [9.18.150](#) relating to the suppression of competitive bidding.
2. RCW [35.23.352](#), [35A.40.210](#), and 39.04.151-154 relating to competitive bidding for public works, and purchases of goods, materials, equipment, and supplies.
3. Chapter [39.04](#) RCW relating to public works.
4. Chapter [39.08](#) RCW relating to contractor's bonds.
5. Chapter [39.12](#) RCW relating to prevailing wages.
7. Chapter 39.26 relating to purchases of goods and services from the state Department of Enterprise Services
8. Chapter [39.28](#) RCW relating to emergency public works.

9. Chapter 39.34 relating to interlocal cooperation agreements
10. Chapter 39.80 relating to architectural and engineering services.
11. Chapter [49.12](#) RCW relating to hours of labor.
12. Chapter [49.60](#) RCW relating to antidiscrimination in employment.
13. Chapter [51.12](#) RCW relating to worker's compensation.
14. Chapter [60.28](#) RCW relating to liens for materials and labor performed.

References to specific statutes are included in some sections for ease of reference and information. To the extent city code conflicts with any state statute, the state statute will control. To the extent the state statutes provide more expansive or flexible application to procedures or authorization limits than the city code, the state statutes will control.

2.75.020 Procurement policies and procedures.

A. The city manager may develop administrative procedural policies to implement this chapter. Procedures should ensure the fiscal responsibility of the city in expending resources for goods, supplies, materials, equipment, and services for the city and will be based on the requirements of state and local laws and on the guidelines established by the State Auditor. (Ord. O-21-680 § 1; Ord. O-19-661 § 1; Ord. O-10-406 § 1).

2.75.030 Definitions.

The words and phrases listed in this section have the meaning defined below. If these definitions conflict with definitions of the same words or phrases in applicable state statutes, the definitions in state statutes will control. Words and phrases not so defined will have their ordinary meaning.

A. "Architectural and engineering services" or "A&E services" means professional services rendered by any person, other than a city employee, to perform activities within the scope of the professional practice of architecture (Chapter [18.08](#) RCW), professional practice of engineering and land surveying (Chapter [18.43](#) RCW), and/or

professional practice of landscape architecture (Chapter [18.96](#) RCW). See RCW 39.80.020.

B. "Bid," "call for bid," or "invitation to bid" means a process to request bids from vendors, suppliers, consultants, or contractors under the methods allowed by, and subject to the restrictions in, state law and this chapter. The call for bid may be by formal competitive bid, informal competitive quotes, by invitation to bid from select contractors on the MRSC rosters, or by any other process allowed by this chapter. See RCW 35.23.352.

C. "Change order," "change," or "contract amendment" means a supplement, amendment, alteration, addendum or other authorization, typically in writing, executed by the city and a contractor that specifies work or services or goods to be performed or provided that are beyond the original contract scope.

D. "Craft" or "trade" refers to a trade or occupation for which prevailing wage categories are established by the Department of Labor and Industries of the State of Washington in the locality of the city's projects or purchases.

E. "Emergency" means unforeseen circumstances beyond the control of the city that either present a real, immediate threat to the proper performance of essential functions or will likely result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken.

F. "Formal competitive bid" is the process of advertising and receiving sealed written bids from prospective contractors. See RCW 35.23.352.

G. "Goods" generally means tangible objects, typically including, without limitation, materials, supplies, and equipment .

H. "Informal competitive quotes" are price quotes from vendors that are not obtained by formal competitive bid.

I. "Interlocal agreements" are the exercise of governmental powers in a joint or cooperative undertaking with another public agency. See Chapter 39.26 RCW; Chapter 39.34 RCW; see also RCW 39.32.090 for federal contracts.

J. "MRSC" means Municipal Research and Services Center.

K. "Ordinary maintenance" is work that is performed on a regular basis (e.g., daily, weekly, seasonally, semiannually, etc.), to service, check, or replace items that are not broken; including occasional work required to maintain the asset so that repair does not become necessary.

L. "Public work," has the meaning stated in RCW 39.04.010, as now enacted or subsequently amended or recodified, and includes all work, construction, alteration, repair or improvement other than ordinary maintenance, executed at the cost of the city or which is by law a lien or charge on any city property. Public work projects include the related materials, supplies, and equipment to complete the project, and may include sales tax depending on the type of project. Public works may include contracts for maintenance of city facilities or real property.

M. "Request for proposals (RFP)" is an invitation to an individual, firm, or other entity to submit a written proposal on a specific commodity.

N. "Request for qualifications (RFQ)" is an invitation to an individual, firm, or other entity to submit a written statement of qualification which may include performance data.

O. "Services" means services rendered by a consultant or any person, other than an employee of the city and other than A&E Services or services that would constitute a public work. By way of example, and without limitation, services includes consulting contracts, non-A&E professional services (such as accounting, real estate, legal and other professional occupations), healthcare insurance coverage, investment consultants, training, and software licensing, support, and maintenance agreements. Specifically, services includes the purchase of software programs (for example, and without limitation, "software as a service" (SAAS)), whether provided by on-site installation or provided through cloud-based methodology.

P. "Small works roster" is a roster of qualified contractors maintained for use in a modified bid process pursuant to RCW [39.04.151--152](#) as currently enacted or later amended or recodified.

Q. "Unit price contract" means a competitively bid contract in which public works or services are anticipated on a recurring basis to meet the city's business or operational

needs, where the contract establishes a fixed period indefinite quantity delivery of work at a defined unit price for each category of work. See RCW 35.23.352(13).

2.75.040 General provisions.

A. Scope. These provisions shall govern the procurement of goods, services, A&E services, and public works. The city may utilize the MRSC Rosters programs in compliance with applicable law. The city reaffirms and ratifies all MRSC roster processes by passage of this chapter. Leases of equipment or other personal property must follow the procedures for the purchase of goods, with the aggregate of lease payments used in lieu of purchase price; for lease terms in excess of three years, the aggregate of three years lease payments should be used in lieu of the purchase price.

B. Legal Authorization Required. Only authorized individuals may legally obligate the city to the payment of expenditures for goods and services, including expenditures obligated by purchase order. Individuals purchasing goods and services on behalf of the city without proper authorization may be personally liable to the vendor and the city, and may be subject to discipline, including termination.

C. Federal or State Funds. When a purchase or contract involves the expenditure of federal or State funds or the receipt of federal or state grants, purchasing must be conducted in accordance with any applicable federal or state laws or regulations as well as with all applicable grant conditions. If the appropriate and relevant federal or state laws or regulations vary from these guidelines, those laws or regulations should be followed. Questions regarding potential conflicts shall be addressed by the city attorney.

D. Breaking Down or Splitting Purchases ("Bid Splitting"). The breaking down, or splitting, of any purchase or contract into units or phases for the purpose of avoiding the total procurement or project dollar amount is prohibited.

E. Signature Authority. All procurements of goods, services, A&E services, and public works authorized by this chapter must comply with these authorization allowances and limitations:

1. The city manager is authorized to execute all procurements of goods, services, A&E services, and public works in an amount not to exceed \$75,000. If, however, there are no funds in the existing budget, or no existing funds available in the budget to reallocate, city council approval is required.
2. City council approval is required for the procurement of goods, services, A&E services, and public works when the contract amount exceeds \$75,000, even when a specific appropriation has been authorized in the city's biennial budget. If the contract is funded by an existing adopted budget, but city council approval is still required.
3. The city manager is authorized to execute all temporary construction agreements, temporary construction easements, and utility agreements that are consistent with franchise agreements or applicable tariffs, even if the cost of the agreements or easements exceeds the city manager's signature authority so long as the cost is within established project budgets.
4. Pursuant to applicable law, the city council must approve all agreements for the acquisition of real property, except for temporary construction easements and agreements, and shall approve all interlocal agreements with other governmental or quasi-governmental agencies.
5. The city manager is authorized to purchase vehicles and heavy equipment, the cost of which exceeds the city manager's signature authority, when delay may reduce availability, may increase cost, may impair progress of city work or delivery of city services, or otherwise may not be in the city's best interest. These purchases, however, cannot exceed authorized budgets. When the city manager authorizes a purchase under the authority given in this subsection, the city manager must file a report with the city council that explains the reasons for the purchase and the total cost of the purchase.
6. The city manager is authorized to apply for any grant, and the city manager is authorized to accept any grant or agreement that does not result in additional cost. By way of illustration and without limitation, an unconditional grant or a mutual aid agreement would meet this no additional cost authorization

7. The city manager is authorized to execute severance agreements in an amount not to exceed \$75,000.

8. The city manager may delegate signature authority for purposes of efficiency, in an amount up to the limits of the city manager's authority.

F. Contract amendments or change orders. All contract amendments must comply with these requirements. Amendments should always be written and prepared as an amendment to the original contract, utilizing the city's standard amendment forms whenever practical.

1. Amendments whose purpose is to change the contract expiration date (duration or term) may be administratively approved by the city manager.

2. For public works contract change orders only, the city manager may execute change orders where the change order is within the established project contingency amount. If a change order will exceed the contingency amount, the city council must approve the change order.

3. For contract amendments to procurements of goods or services, including A&E services, the city manager may authorize contract amendments in a total amount not to exceed \$10,000 above the city manager's \$75,000 procurement authority, so long as within established budgets. If the city manager approves a contract amendment that exceeds the city manager's \$75,000 procurement authority, the city manager must report to the city council and explain the reasons for the change order. Contract amendments that result in an amount that exceeds the city manager's total procurement and contract amendment authority must be authorized by the city council.

4. Amendments whose purpose is to change the scope of work may be administratively approved by the city manager if the original contract was approved under the city manager's authority and if the total contract amount as modified by the change in scope does not exceed the city manager's procurement authority; otherwise, the amendment must be presented to the city council for approval.

G. Unit Price Contracts – length of contract term. Unit price contract terms may not exceed 36 months.

H. Use or Adoption (“Piggybacking”) of State or Federal Agency Contracts; Interlocal Cooperative Agreements. The city may procure goods, services, A&E services, or public works from or through other federal, state, county, or public agencies using the other agency’s competitive bidding process in place of any city competitive bidding requirements, subject to certain limitations. The following types of procurements, and their limits, are allowed:

1. Federal Government Procurements. Agreements with any agency of the federal government, including without limitation, the General Services Administration (GSA), for the purchases of goods, services, or public works, subject to all federal agency regulations and federal grant requirements. These agreements are not subject to the Washington Interlocal Agreement Act and do not require an interlocal agreement before procuring the goods, services, or public works, so long as all regulations and grant requirements are met. Chapter 39.34 RCW; RCW 39.32.090.
2. State DES Procurements. Agreements for purchases of goods or services, including A&E services and, if applicable, public works offered by the Washington Department of Enterprise Services (DES), but only after the city has first entered into a Master Use Agreement with DES. The Master Use Agreement, once executed and properly filed or posted as required, can act as the interlocal agreement between the state and the city; no other interlocal agreement is required before procuring the goods, services, or public works. Chapter 39.34 RCW; RCW 39.26.050—.060.
3. Procurements with any other public agency. Agreements for purchases of goods or services, including A&E services, and, with strict limitations, for public works, with other public agencies. The city may adopt the other agency’s procurement or competitive bidding process in place of the procurement and competitive bidding requirements that would normally apply to the city

("piggybacking"), as provided by the state Interlocal Agreement Act, chapter 39.34 RCW, subject to these conditions:

a) The city must confirm that the other entity qualifies as a public agency under the Act.

b) The city must first enter into an interlocal agreement with the other public agency to allow use of the other agency's contract(s) before purchasing or contracting with the other agency's vendors, service providers, or contractors.

c) For goods and services, including A&E services, the city must confirm that the other public agency complied with its own procurement and competitive bidding requirements. The city must document the other public agency's compliance and maintain that documentation in city files before contracting with the other public agency's vendor or service provider.

d) For public works, the city must first create detailed plans or specifications, or both if required, as well as a cost estimate for the proposed procurement. RCW 39.04.020. Then, and only if the proposed work is essentially the same as the other public agency's plans and specifications, the city may adopt the other agency's public work project award process. The city must document the other public agency's compliance and maintain that documentation in city files before contracting with the other public agency for the public work. The city also must confirm that the selected contractor meets responsible bidder requirements and must meet all applicable bond, retainage, and prevailing wage requirements. The city attorney should be consulted before adopting another public agency's public work award process.

I. Procurement and purchase methods. Allowable procurement methods include, without limitation, the use of purchase orders, direct purchases, personal reimbursement, petty cash, credit cards, and contracts, as long as those procurement methods are used in compliance with these policies. With appropriate security and internal controls these procurement methods may be used electronically.

2.75.050 Procurement of goods and services (not public works or A&E services)

A. The city may procure goods and services using the method it determines will provide the greatest attainable levels of quality and value. Except as further limited in this section, procurement methods for goods and services include, without limitation, direct purchase (e.g., "over-the-counter"), direct contract negotiation, formal competitive bid, request for quote, request for proposal, request for qualifications, selection from MRSC rosters, use of state bid, or use of other governmental bids by interlocal agreement, so long as the procurement is within overall budget capacity. Pricing must include delivery and installation charges, etc., if applicable.

B. Procurements with an estimated cost not to exceed \$35,000 may be procured by the method deemed most practical and in the best interests of the city.

C. Procurements with an estimated cost from \$35,000 to \$75,000 require at least three telephone, written, or electronic quotes before contracting, whenever possible.

D. Procurements with an estimated cost of \$75,000 or greater must be by contract and must receive the city council's prior approval before contract execution.

E. Waiver. The city manager may issue a written waiver or other exemption from these procurement requirements if not practical or in the city's best interest for any procurement with an estimated cost less than \$75,000. The city council may approve a waiver or other exemption from these procurement requirements if not practical or in the city's best interest for any procurement with an estimated cost of \$75,000 or more.

Examples of causes for procurement waivers or other exemptions include, without any limitation:

- The procurement is clearly and legitimately limited to a single source of supply;
or
- The procurement is subject to special facilities or market conditions.

F. Purchase of Electronic Data Processing and Telecommunications Systems. The city may follow a competitive negotiation process as an alternative to the bid process for electronic data processing and telephone systems. See RCW [39.04.270](#).

G. Auctions. The city may acquire supplies, materials, and equipment through an auction conducted by the United States or any agency thereof, an agency of the State of Washington, a municipality or other government agency, or any private party, without quotations or bids, if the items to be purchased can be obtained at a competitive price. See RCW 39.30.045.

H. Insurance or Bonds. The city may obtain insurance or purchase bonds without complying with the competitive bid process when it is advantageous to do so.

2.75.060 Public works general provisions.

A. Procedures. In addition to the general provision requirements in section 2.75.040, public works projects must comply with these general provisions and the requirements of chapter 39.04 RCW.

B. Chapter 39.04 RCW provides various procedures for awarding public works contracts. Each approach has specific limitations. Generally, each of the following optional procedures are available to the city for the construction of public works:

1. Performed by regularly employed city employees (value of materials used generally not to exceed \$300,000). See RCW 35.23.352(1).
2. Performed by outside contractor without the need for advertised bids (total project cost not to exceed \$150,000). See RCW 35.23.352(1).
3. Performed by outside contractor using advertised bids (total project cost more than \$150,000). See RCW 35.23.352(1).
4. Performed by outside contractor using the small works roster process (total project cost less than \$350,000). See RCW 39.04.152 –.154.

C. Bid Bond/Bid Deposit. Whenever a formal competitive bid is sought, the bidder must make a deposit in the form of a certified check or bid bond in an amount not less than five percent of the total bid. As part of any bid submitted, the bidder must warrant that the bid is a genuine bid, and that the bidder has not entered into

collusion with any other bidder or any other person. These requirements should be specified in the call for bids.

D. Payment and performance bond. Before commencing any contract work, the selected contractor must obtain a good and sufficient bond in the full contract amount with a surety, conditioned that the contractor, at a minimum, will faithfully perform all contract provisions; pay all laborers, mechanics, subcontractors, and material suppliers; and pay all taxes, increases, and penalties incurred on the project. See RCW 39.08.010.

1. The surety must agree to be bound by Washington state laws.
2. The bond must be filed with the city clerk; any person performing services or furnishing materials to any subcontractor has the same rights against the bond as if that person were furnished to the general contractor.
3. For contracts of \$150,000 or less, the contractor, at its option, may, instead of a bond, have the city retain ten percent of the total contract amount for the later of: 30 days after contract acceptance; receipt of releases from the department of revenue, the employment and security department, and the department of labor and industries; and settlement of any liens.
4. For contracts of \$150,000 or less, the city may accept a bond from an individual surety instead of a surety company.

These bond provisions may be waived in certain instances. Consult subsection I and the city attorney for options.

E. Retainage. The city must reserve a contract retainage not to exceed five percent of the total contract amount pursuant to the detailed provisions of chapter 60.28.RCW. This retainage provision may be waived in certain instances. Consult subsection I and the city attorney for options.

F. Prevailing Wages. All contracts for any public work, including public building maintenance contracts, must require that the contractor pay all hourly workers not less than the applicable hourly prevailing wage rate in effect on the date the contract takes effect.

G. Noncollusion Affidavit. All public works contractors shall furnish a signed and notarized noncollusion affidavit on a form approved by the city attorney.

H. Bidder responsibility criteria. Each contractor performing public works must complete the city's Bidder Responsibility form. This form has specific state-mandated requirements that must be filled out and, at the city's discretion, may also include other responsibility requirements that, if not answered to the city's satisfaction, could affect the city's bid decision. See RCW 39.04.350.

I. Waiver of bond and retainage requirements.

1. For contracts under \$35,000, the city manager may waive the retainage or bond requirements. In doing so, the city assumes the liability for the contractor's nonpayment of (a) laborers, subcontractors, and material suppliers that may be due under the contract, and (b) taxes, increases, and penalties that may be due from the contractor. RCW 60.28.051.

2. For contracts funded in whole or in part by federal transportation funds, retainage may not be withheld, relying solely on the payment and performance bond for the protection and payment of claims. RCW 60.28.011(1)(b).

3. For small works contracts under \$5000, no payment or performance bond and no retainage is required. In doing so, the city assumes the liability for the contractor's nonpayment of (a) laborers, subcontractors, and material suppliers that may be due under the contract, and (b) taxes, increases, and penalties that may be due from the contractor. RCW 39.04.152(5).

J. Apprenticeship. For contracts over certain monetary limits, contractors must comply with statutory apprenticeship requirements as a condition of bid award. RCW 39.04.320.

K. Contract Contingencies and Change Orders. A provisionary dollar amount shall be held in reserve to offset unforeseen costs incurred under a public works contract ("contingency"). The contingency should be appropriate to the project based on the factors such as, and without limitation, the complexity and risk presented by the contract work. The contingency should not exceed 20% of the total contract cost and

shall be allocated to all approved public works projects at the time of bid award by the city council.

L. Project Manager Responsibilities. The designated project manager for the public works project shall be responsible for monitoring the contractor's work under the scope of work and according to the bid specifications, and for monitoring the budget expenditures for the project. The project manager shall be responsible for project closeout according to Resolution R-09-720, as currently enacted or later amended, and according to any applicable administrative orders.

2.75.070 Public works by city employees.

Regularly employed city personnel may perform work that is an accepted industry practice without a contract if the personnel are performing work utilizing material of a worth not exceeding \$300,000 in value. The value of individual items of equipment, including without limitation, conductor, cabling, wire, pipe, or lines used for electrical, water, fiber optic or telecommunications, need not be included when determining the total worth of materials used.

2.75.080 Public works projects (with or without advertised bids).

A. Contracts of \$75,500 or less (single craft or trade) or \$150,000 or less (multiple crafts or trades). The city may hire any contractor, by contract or otherwise, to perform public works for any project whose estimated cost is \$75,500 or less, if the project involves only a single craft or trade, or \$150,000 or less, if the project involves more than a single craft or trade.

B. Contracts over \$75,500 (single craft or trade) or over \$150,000 (multiple crafts or trades). For any project with an estimated cost greater than \$75,500, if the project involves only a single craft of trade, or greater than \$150,000, if the project involves more than a single craft or trade, the work must be done by contract subject to public bidding. The public bid process, at a minimum, must require the following:

1. The contract must be advertised by public notice, calling for sealed bids.
2. The notice must be published in the city's official newspaper at least 13 days prior to bid opening.
3. The notice must generally state the nature of the project work and state that detailed plans and specifications are on file.

Each bid submitted must include a bid deposit of at least 5% of the bidder's total bid.

C. When procuring or contracting for public work under this section 2.75.080, these projects and these contractors must also comply with the general provisions for public works projects listed in sections 2.75.040 and 2.75.060 and as required by applicable law. See RCW 35.23.352(1).

2.75.090 Public works projects (small works roster).

A. Small Works Roster. The city adopts and will utilize the uniform statewide small works roster as adopted by the department of commerce through the municipal research and services center. The city may use this roster to obtain bids with any contractor on the roster for any public works project with an estimated cost less than \$350,000, excluding sales tax, subject to the limitations in this section and applicable law. See RCW 39.04.151; 39.04.152.

B. Bid invitation. Selection of contractors from the roster, at a minimum, must meet the following conditions:

1. Invitations for bids must contain an estimate of the scope and nature of the work as well as the equipment and materials expected to be furnished to complete the project. Detailed plans and specifications are not necessary.
2. The city must invite bids by notifying all contractors on the roster that have indicated interest in performing work in the Maple Valley geographical area. Bid quotations may be received either in writing or electronically. See RCW 39.04.152(3)

C. Direct contract negotiation under \$150,000. If the estimated cost of the public work, excluding sales tax, is less than \$150,000, the city may enter into direct contract

negotiation with appropriate businesses on the roster without a competitive process, subject to these limitations:

1. City departments are encouraged to direct contract with small businesses before direct contracting with other businesses on the appropriate roster.
2. The city must notify small, minority, women, or veteran-owned businesses on the applicable roster within the city's geographical area that it intends to use the direct contract negotiation process.
3. If there are six or more small business contractors on the applicable roster within the city's geographical area that have indicated interest in doing the project work, the city may direct contract with one of those small business contractors but, for subsequent projects using the applicable roster, the city must rotate through the list of qualified contractors and use different contractors on different projects.
4. If there are five or less small business contractors on the applicable roster within the city's geographical area that have indicated interest in doing the project work, the city may direct contract with any one of those small business contractors.
5. The city may not favor certain contractors on the appropriate small works roster by repeatedly awarding contracts without documented attempts to direct contract with other contractors on the appropriate roster.
6. Small minority, women, or veteran-owned business utilization plan. Any department that wishes to direct contract with a contractor must use this small, minority, women, or veteran-owned business utilization plan.
 - a. Determine the categories of businesses most likely able to perform the work needed to construct the project from one or more service categories on the roster.
 - b. Solicit all businesses on the roster from those categories. If practical, the city may restrict the solicitation to its geographical area.
 - c. Identify small, minority, women, and veteran-owned businesses from the solicitations and notify them that the city intends to award a project by direct negotiation.

d. Select a small business contractor for direct contract negotiation from the applicable roster, using the selection methods allowed under subsections 3 and 4, above. For minority, women, and veteran-owned businesses to be considered, they must also qualify as a small business on the roster. If there are no small business contractors that appear on the roster at this point, the city may direct contract with any contractor on the applicable roster, giving preference to minority, women, and veteran-owned businesses, where practical, that do not qualify as small businesses.

e. Commence direct contract negotiations with the selected contractor. If the city and the selected contractor are not able to complete negotiations, the city may select another contractor from the list, rotating through the list as required under subsection 5.

7. If the city does not use the direct contracting procedures established in this section C, it must invite bids by electronically notifying all contractors on the applicable roster that have indicated interest in performing work in the applicable geographical area. See RCW 39.04.152(4).

D. After any contract award is made using the small works roster process, bid quotations should be recorded and publicly available. See RCW 39.04.152(6).

E. The city must publish a list of small works contracts awarded and contractors contacted for direct negotiation once each year. See RCW 39.04.152(7).

2.75.100 Architectural and engineering services.

A. Architectural, engineering, landscape architectural, and land survey contract procedures are set forth in Chapter 39.80 RCW, as written or later amended or recodified. Those procedures shall be followed for all contracts for these services. The city should develop a written scope for the project and any criteria to be used to select the service needed and then select the most qualified contractor from the MRSC Consultant Roster for purposes of negotiating a contract. If the city representative does not choose to use the MRSC roster, then a request for qualifications process must be followed. Once the most qualified contractor has been selected, the city can

enter into negotiations with that contractor. If the city and its preferred contractor are unable to negotiate satisfactory terms, including price, then the city can select another qualified contractor from the roster.

2.75.110 Contracts in the event of an emergency.

A. Competitive bidding is not required when an emergency exists; however, in making emergency purchases, an effort will be made to include the level of competition that is practical under the circumstances. See RCW 39.04.280.

B. Chapter 2.90 of the Maple Valley municipal code controls all other acts and authorizations in the event of an emergency,

Section 4. Savings. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, that decision shall not affect the validity of the remaining portions of this ordinance.

Section 5. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 6. Corrections by City Clerk or Code Reviser. Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

Section 7. Effective Date. This ordinance shall take effect on July 1, 2024 or five (5) days from and after its passage and publication as required by law, whichever is later. Publication may be by summary publication of the ordinance title.

PASSED by the City Council and APPROVED by the Mayor of the City of Maple Valley, at a regular meeting held this 10th day of June, 2024.

CITY OF MAPLE VALLEY, WASHINGTON:

SEAN P. KELLY, MAYOR

ATTEST/AUTHENTICATED:

ANDREW DACUAG, CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____
PATRICIA TARADAY, LIGHTHOUSE LAW GROUP
CITY ATTORNEY

FILED WITH THE CITY CLERK: June 10, 2024
PUBLISHED: June 14, 2024
EFFECTIVE DATE: July 1, 2024
ORDINANCE NO.: O-24-820

SUMMARY OF ORDINANCE NO. O-24-820

of the City of Maple Valley, Washington

On June 10, 2024, the city council of the city of Maple Valley, Washington, approved Ordinance No. O-24-820, the main points of which are summarized by its title:

AN ORDINANCE OF THE CITY OF MAPLE VALLEY, WASHINGTON, REPEALING CITY CODE CHAPTER 2.75, ENTITLED "CITY CONTRACTING," IN ITS ENTIRETY AND REPLACING IT WITH A NEW CHAPTER 2.75; REPEALING RESOLUTIONS RELATING TO SMALL OR LIMITED PUBLIC WORKS PROCESSES; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND AUTHORIZING SUMMARY PUBLICATION BY ORDINANCE TITLE.

The full text of this ordinance will be mailed upon request. APPROVED by the city council at their meeting on June 10, 2024.

ANDREW DACUAG, CITY CLERK