

CITY OF TACOMA SMALL WORKS ROSTER PROGRAM FOR PUBLIC WORKS AND IMPROVEMENTS CONTRACTS

Table of Contents

	Page(s)
I. GENERAL	2
A. Objective	2
B. Authority.....	2
C. Definitions	2 & 3
II. SCOPE OF PROGRAM	3
A. Application	3
B. Types of Projects	3
C. Procedures	3
D. Use of Roster	3
E. Notices.....	3
III. SMALL WORKS ROSTER (SWR) APPLICATION PROCEDURES.....	3
A. Required Licenses, Insurance, Bonding/Retention, and Prevailing Wage	3 & 4
B. Categories of Work.....	4
C. Geographic Areas of Work.....	4
D. References	4
E. Removal from Roster	4
F. Application Form.....	5
IV. BID PROCESS AND AWARD	5
A. Random Selection of Contractors.....	5
B. Requests for Bids.....	5
C. Award	5
D. Determination Not to Use SWR.....	5
E. Rejection of All Submittals	5
F. Public Inspection	5
V. PAYMENTS.....	6
VI. ANNUAL POSTING	6

I. GENERAL.

A. Objective.

The objectives of the Small Works Roster (SWR) Program are to increase contracts with the City of Tacoma's public works and improvement projects that are \$200,000 or less, to provide an orderly and efficient method of awarding work, and equitably distribute work among qualified contractors, and to comply with the provisions of Washington State law for establishing small works rosters.

B. Authority.

Washington State law authorizes the adoption of rules and procedures to implement a small works roster by local contracting agencies per RCW 39.04.155, 35.22.650, and RCW 35.22.620. The City's Small Works Roster Program is adopted pursuant to these statutes and the City of Tacoma Ordinance No. 27868, passed December 15, 2009, and codified as Chapter 10.27 of the Tacoma Municipal Code.

C. Definitions.

As used herein, the following terms shall have the following meaning:

1. **"Bid"** means an offer submitted by a Respondent to furnish supplies, services, and/or Public Works in conformity with the specifications and any other written terms and conditions included in a City request for such offer.
2. **"Bidder"** means an entity or individual, properly registered for the Small Works Roster Program, who submits a Bid, proposal, or quote under the Small Works Roster Program.
3. **"City"** means all departments, divisions, and agencies of the City of Tacoma.
4. **"Contract"** means any type of legally binding agreement between the City of Tacoma and a contractor to perform work for a single job under the Small Works Roster Program, regardless of form or title that governs the terms and conditions for procurement of Public Works. Contracts include the terms and conditions found in the specification, Bidder or Respondent submittals, and purchase orders issued by the City.
5. **"Contractor"** means any person(s), firm, partnership, corporation, or combination thereof, who submits a Small Works Roster Application and qualifies to participate in the Program.
6. **"Prevailing Wage Rates"** shall have the same meaning as that contained in RCW 39.12.010 and WAC 296-127-410(3) as those sections now exist or may hereafter be amended.
7. **"Public Works"** (or **"Public Works and Improvements"**) shall have the same meaning as provided in RCW 39.04.010, as that section now exists or may hereafter be amended.

8. **“Respondent”** means any entity or person, other than a City employee, that provides a Submittal in response to a Request for Bids.

9. **“Small Works Roster”** (or **“SWR”**) means the City of Tacoma’s Small Works Roster Program, as described herein and as provided for in Ordinance No. 27868.

II. SCOPE OF PROGRAM.

- A. Application.** This Program shall apply to all Public Works projects where the cost is anticipated to be \$200,000 or less, as specified in Section B.
- B. Types of Projects.** The designated types of projects authorized for development of a Small Works Roster shall be based on the needs of the City. Except as prohibited by RCW 35.22.620 relating to Public Works Contracts, the City will retain the discretion to use its employees or Small Works Roster Contractors. The City will provide notification and reasonable opportunity for discussion to appropriate Labor representatives before inviting Small Works Roster bids for work of a type or trade also performed by bargaining unit members.
- C. Procedures.** The Director of Finance or designee shall create a Small Works Roster for Public Works projects based on the needs of the City. The SWR shall consist of responsible Contractors who:
1. Complete the required application;
 2. Submit the requested documentation;
 3. Are properly licensed or registered to perform such work in the State of Washington;
- and
4. Have no negative action on file with the Washington Department of Labor and Industries.
- D. Use of Roster.** Whenever the estimated project cost of any Public Works project in a designated category of work is \$200,000 or less, the department responsible for the project is encouraged to use the Small Works Roster process.
- E. Notices.** At least twice each year, the Director of Finance or designee shall publish a notice of the existence of the City’s SWR and solicit contractors to submit applications. This is a continual enrollment roster. Responsible contractors may be added at any time.

III. SMALL WORKS ROSTER APPLICATION PROCEDURES.

- A. Required Licenses, Insurance, Bonding/Retention, and Prevailing Wages.**
1. Contractors must hold a valid State of Washington contractor’s license and must be licensed to do business within the City of Tacoma.

2. Contractors will be required to submit a current certificate of insurance in accordance with City of Tacoma policies. Insurance expiration will suspend the contractor from the Roster until a valid insurance certificate is submitted.
3. Contractors with annual revenues below \$1,000,000 are eligible for consideration of waiving the performance bond and retainage under the provisions of RCW 39.04.155 on a case-by-case basis.
4. Prevailing wages are applicable to all SWR projects.

B. Categories of Work.

Contractors are to designate on the application form the specific categories of work they are qualified to perform.

C. Geographic Areas.

Contractors are to specify on the application form the geographic locations they are willing to perform work.

D. References.

References regarding two different public works contracts completed in the previous 12-month period are required.

E. Removal from the Roster.

1. Contractors will be prequalified for inclusion on the SWR based on information submitted on or with their application.
2. A Contractor may be denied placement on, or after such placement, may be removed from, a Small Works Roster when:
 - a. The information on the contractor's application is false or misleading;
 - b. The Contractor does not notify the City within 30 days of changes to information provided in the original SWR application;
 - c. The Contractor fails to respond to five solicitations offered through the SWR in any one calendar year; or
 - d. When the Contractor's past performance demonstrates a lack of qualifications in any category of work.

F. Application Form.

Contractors desiring to be added to the SWR must complete and submit the SWR application form and all required supporting documents to:

City of Tacoma
Procurement and Payables Division
Attn: HUB Office

By Mail:
P.O. Box 11007
Tacoma, WA 98411

Hand Carried or Delivered:
3628 South 35th Street
Tacoma, WA 98409

IV. BID PROCESS AND AWARD.

- A. Random Selection of Contractors.** The City shall solicit bids from a minimum of five (5) Contractors selected by random process from the applicable SWR, unless the total number of Contractors on the list is less than five (5), in which case all contractors shall be invited to bid. All appropriate contractors on the SWR may be invited to participate, if deemed in the best interests of the City.

The City shall invite at least one certified historically underutilized business (HUB), one certified minority-owned business enterprise (MBE), and one certified women-owned business enterprise (WBE), when such firms are included in the applicable SWR category of work.

The procedures for awarding contracts shall ensure that the opportunity to submit bids is equitably distributed among the listed firms while also ensuring that at least one certified HUB, one certified MBE, and one certified WBE is included in each group of five bidders.

- B. Requests for Bids.** Requests for Bids shall state a general scope of work and the purpose of the work to be performed as well as the materials and equipment to be provided by the Contractor. Contractors must submit written bids on the City's SWR forms as stated in the solicitation documents.
- C. Award.** A contract shall be awarded to the lowest and best responsible bidder. The determination of the lowest and best responsible bidder shall be made by the City at its sole discretion.
- D. Determination Not To Use SWR.** Suspension of the use of the SWR and resorting to the City's standard competitive solicitation process for a specific project is authorized in circumstances where it is deemed to be in the best interests of the City.
- E. Rejection of All Submittals.** At the City's option, any and all submittals may be rejected. If submittals are rejected, a new solicitation may be issued either by utilizing the SWR or other competitive solicitation methods.
- F. Public Inspection.** Submittals will be recorded and open to public inspection after contract award.

V. PAYMENTS.

Payment shall be made through the City's ordinary payment process, and shall be considered timely if made within 30 days of receipt of a properly completed invoice. Payment will not be considered late if mailed or electronically disbursed within the time specified. Payment(s) made in accordance with a SWR Contract shall fully compensate the Contractor for all risk, loss, damages, or expense of whatever nature, and acceptance of payment shall constitute a waiver of all claims submitted by the Contractor. All payments shall be subject to adjustment for any amounts, upon audit or otherwise, determined to have been improperly invoiced.

Invoices will not be processed for payment, nor will the period of cash discount commence, until all invoiced items are received and satisfactory performance of the Contract has been attained, and a properly completed invoice is received by the City. If an adjustment in payment is necessary due to damage or dispute, the cash discount period shall commence on the date final approval for payment is authorized.

Contractors with annual revenues below \$250,000 who are awarded contracts of \$100,000 or less, shall be paid within 10 business days, less five percent retainage, upon receipt by the City of fully completed closeout documentation.

VI. ANNUAL POSTING.

The Procurement and Payables Division will annually post a list of contracts awarded by the City under the Small Works Roster Program, to include the: 1) Contractor awarded the contract; 2) Amount of the Contract; 3) Project name and brief scope of work, and, 4) Date of Contract award.