



ORDINANCE NO. 29115

1 AN ORDINANCE amending Titles 1 and 10 of the Municipal Code, relating to
2 Administration and Personnel and Public Works, by amending Section
3 1.06.255, entitled "Competitive solicitation requirements for supplies and
4 public works", and by repealing Chapter 10.27, entitled "Small Public
Works Contracts", in its entirety; and authorizing the City to leverage the
statewide Small Works Roster.

5 WHEREAS a small works roster is a pre-established list of qualified,
6 licensed contractors who perform smaller scope public work projects such as
7 roof repairs, HVAC repairs, parking lot resurfacing, sidewalk repairs, fencing,
8 et cetera, and the goal of a small works roster program is to provide a quicker
9 way to procure a contractor for a smaller public works project, and
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11 WHEREAS the City established a small works roster program under
12 Tacoma Municipal Code ("TMC") Chapter 10.27, and the process required
13 contractors to register separately for the City's roster, which proved burdensome
14 to contractors and resulted in a limited pool of potential bidders for the City that
15 did not cover the full scope of public work needs; as a result, the process was
16 rarely used and ultimately abandoned, and
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18 WHEREAS the Washington State Legislature subsequently adopted a small
19 works roster program in Revised Code of Washington ("RCW") 39.04.151-152,
20 with the State's small works roster program administered by the Municipal
21 Research & Services Center ("MRSC"), and
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23 WHEREAS this proposed ordinance repeals the City's outdated small works
24 roster and process contained in TMC Chapter 10.27, and replaces it with
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1 authorization in the General Purchasing Procedure at TMC 1.06.255 G for the City
2 to utilize the statewide roster and process, and

3 WHEREAS contractors register once for the statewide roster, providing
4 them access to projects for multiple state agencies and local jurisdictions, including
5 City projects, and the statewide roster includes a provision which allows for direct
6 contracting with firms on the roster for projects under \$150,000, and

8 WHEREAS projects exceeding \$150,000 and executed using the small
9 works roster would be competitively solicited but advertised only to suppliers on
10 the associated roster, and the City's use of the statewide process will allow City
11 access to many suppliers and allow qualifying public works projects to be awarded
12 more efficiently, without assembling, advertising, and awarding a full specification
13 and without multiple registration requirements imposed on suppliers, and

15 WHEREAS approval of the proposed ordinance would also adopt changes
16 to either of the dollar value thresholds given above (or as amended in RCW) and
17 improve small or underutilized suppliers' access to City contracting opportunities,
18 and

20 WHEREAS this recommendation was presented before the Government
21 Performance and Finance Committee on May 19, 2026, at which time it was
22 approved to be forwarded to the full City Council for consideration; Now, Therefore,
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BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That the City Council hereby adopts the Recitals of this Ordinance as its formal legislative findings.

Section 2. That the Municipal Code ("TMC"), Title 1, "Administration and Personnel and Public Works", is hereby amended, by amending Section 1.06.255, entitled "Competitive solicitation requirements for supplies and public works", and the City is hereby authorized to leverage the statewide Small Works Roster, as set forth in the attached Exhibit "A."

Section 3. That TMC Chapter 10.27, entitled "Small Public Works Contracts", is hereby repealed, in its entirety, as set forth in the attached Exhibit "B."

Section 4. That the City Clerk, in consultation with the City Attorney, is authorized to make necessary corrections to this ordinance, including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



EXHIBIT "A"

CHAPTER 1.06 ADMINISTRATION

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GENERAL PURCHASING PROCEDURE

- 1.06.250 Approval by City Council of system expansions and additions and betterments.
- 1.06.251 Definitions.
- 1.06.252 General responsibility for purchasing.
- 1.06.253 Purchasing Policy Manual.
- 1.06.254 General competitive solicitation and award requirements.
- 1.06.255 Competitive solicitation requirements for supplies and public works.
- 1.06.256 Competitive solicitation requirements for services.

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1.06.255 Competitive solicitation requirements for supplies and public works.

Except as otherwise provided in this Chapter, the Purchasing Policy Manual or by other applicable law, all City purchases for supplies and public works shall be made as follows:

A. Contracts for supplies and/or public works, when the estimated cost is \$500,000 or less (excluding sales tax), shall be made only after solicitation of informal submittals and the contracts shall be awarded to the lowest and best responsible bidder.

B. Contracts for supplies and/or public works, when the estimated cost is over \$500,000 (excluding sales tax), shall be made only after solicitation of formal sealed submittals and the contracts awarded to the lowest and best responsible bidder.

C. The senior financial manager shall have the authority to negotiate volume discount supply contracts, convenience contracts and other contracts when bidders have no incentive to respond to a competitive solicitation, and when in the best interests of the City.

D. Use of a request for proposals (competitive negotiation process) may be used, consistent with state law, in lieu of the bid process for purchase of supplies requiring the acquisition of specially tailored or performance criteria-based products, including, but not limited to, computer and technological software, firmware, hardware, equipment, and other goods as may be provided for in the Purchasing Policy Manual.

E. Use of a request for proposals (competitive negotiation process) may be used, consistent with state law, in lieu of the bid process for purchase of public works as provided for in the Purchasing Policy Manual.

F. The City may procure public works in accordance with alternative public works procedures authorized by state law, as it may hereafter be amended.

G. The City may procure public works ~~in~~ by utilization of the statewide small works roster authorized by RCW 39.04.151 and RCW 39.04.152 as may hereinafter be amended ~~accordance with TMC 10.27, as it may hereafter be amended, governing small works rosters~~ and in accordance with corresponding City of Tacoma Purchasing Policies and Procedure.

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EXHIBIT "B"

CHAPTER 10.27

REPEALED

SMALL PUBLIC WORKS CONTRACTS

Sections:

~~10.27.010 Purpose and Goal.~~

~~10.27.020 Definitions.~~

~~10.27.030 Applicability and Procedure.~~

~~10.27.040 Types of Projects.~~

~~10.27.050 Rules and regulations.~~

~~10.27.060 Application of rules and regulations.~~

~~10.27.070 Severability.~~

~~10.27.080 Review of program.~~

~~10.27.010 Purpose and goal.~~

~~It is the policy of the City of Tacoma that all citizens be afforded the opportunity for full participation in our free enterprise system, consistent with the City's policy goal and objective that an opportunity for small firms to participate in the provision of construction services, and related goods and/or services, to the City. The objectives of the Small Works Roster Program are increased opportunity to bid for the City of Tacoma's public works projects or improvements where the cost is \$200,000 or less, to provide an orderly and efficient method of awarding work and to equitably distribute work among qualified contractors and to comply with the provisions of Washington State law for establishing small works rosters. This chapter is adopted in accordance with RCW Chapter 35.22.620 and RCW 39.04.155.~~

~~10.27.020 Definitions.~~

~~Terms used in this chapter shall have the meaning given to them in this chapter except where otherwise defined, and unless, where used, the context thereof clearly indicates to the contrary.~~

~~Words and phrases used herein in the past, present, or future tense include the past, present, and future tenses. Words and phrases used herein in the masculine, feminine, or neuter gender shall include the masculine, feminine, or neuter genders. Words and phrases used herein in the singular or plural shall include both the singular and plural, unless the context thereof indicates to the contrary. As used herein, the following terms shall have the following meaning:~~

~~A. "City" shall mean the City of Tacoma and all affiliated agencies.~~

~~B. "Prevailing Rate of Wage" shall have the same meaning as that contained in RCW 39.12.010 and WAC 296-127-410(3) as said sections now exist or may hereafter be amended.~~

~~C. "Public Work or Improvement" shall have the same meaning as provided in RCW 39.04.010, as that section now exists or may hereafter be amended.~~

~~D. "Small Works Roster" (SWR) shall mean the list of contractors maintained pursuant to the City of Tacoma's Small Works Roster Program, as described in this chapter.~~

~~E. "Bid" shall mean a quotation, proposal, solicitation or offer by a bidder or contractor to perform work for a single job under the Small Works Roster Program.~~

~~F. "Bidder" shall mean any business or contractor, properly registered for the Small Works Roster Program, that submits a bid or proposal to perform work under the Small Works Roster Program.~~



G. "Contract" shall mean an agreement between the City of Tacoma and a contractor to perform work for a single job under the Small Works Roster Program.

H. "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.

10.27.030 — Applicability and procedure.

A small works roster and award of contract process for public works contracts of \$200,000 or less is hereby authorized.

A. The Director of Finance, or his or her designee, shall create and maintain a small works roster for designated categories of public works projects, which roster shall be comprised of all contractors who complete the required application and are, where required by law, properly licensed or registered to perform such work in Washington State.

B. Whenever work is done by contract, the estimated cost of which is \$200,000 or less, and the small works roster process is used, bids may be invited from all appropriate contractors on the roster, provided that no fewer than five contractors, if such number is available, shall be invited to submit bids on any one contract, and provided, further, whenever possible, a proposal shall be invited from one Small Business Enterprise ("SBE"), one minority business enterprise ("MBE") and/or one woman business enterprise ("WBE"), if available from the roster, and if otherwise qualified to perform the work being solicited. The procedures for selecting firms shall ensure that the opportunity to submit bids is equitably distributed among the listed firms while also ensuring that at least one certified SBE and one certified MBE and one certified WBE is included in each group of five bidders whenever possible.

C. Invitations for small works roster bids shall include a scope of work to be performed and materials and equipment to be furnished.

D. When awarding such a contract for work, the estimated cost of which is \$200,000 or less, the City shall award the contract to the contractor submitting the lowest and best responsible bid.

E. The City shall endeavor to distribute bidding opportunities to as many small works roster contractors as possible and shall track solicitations to contractors on the roster. After a small works roster contractor has been invited to submit a bid for any given solicitation/project, the City shall endeavor to provide opportunities to other appropriately qualified contractors on the roster prior to making a repeat solicitation to any contractor.

F. In accordance with RCW 39.04.155, when awarding a contract of \$100,000 or less, the performance bond and retainage requirements may be waived on a case-by-case basis for firms whose annual revenues are below \$1,000,000.

G. Contractors with annual revenues below \$250,000 who are awarded contracts of \$100,000 or less shall be paid within ten business days, less 5 percent retainage, upon receipt by the City of fully completed closeout documentation.

10.27.040 — Types of projects.

The designated categories of work authorized for development of a Small Works Roster shall be based on the needs of the City.

10.27.050 — Rules and regulations authorized.

The Director of Finance is hereby authorized to propose administrative rules and regulations to be approved by the City Manager and Director of Utilities to properly implement and administer the provisions of this chapter. The Director of Finance shall propose to the Public Utility Board and City Council additional categories of work for inclusion in the small works roster procedures following the initial implementation of the program.



~~10.27.060 — Application of rules and regulations.~~

~~A. Any administrative rules and regulations adopted pursuant to Section 10.27.050 are for the administrative and procedural guidance of the officers and employees of the City of Tacoma, and are further expressions of the public policy of the City of Tacoma. Such rules and regulations, when adopted, shall not confer an independent cause of action or claim for relief cognizable in the courts of the state of Washington or the United States of America to any third parties, and these provisions shall not be used as the basis for a lawsuit in any court of competent jurisdiction challenging the award of any Contract by the City of Tacoma.~~

~~B. This chapter is enacted for the benefit of the general public. Any rules and regulations adopted pursuant to this chapter and the actions by City of Tacoma officials and employees in implementing this chapter are performed for the benefit of the general public. Any person, party, corporation, or partnership which contends that an officer or employee of the City of Tacoma has acted improperly or negligently in performing his or her duties under this chapter or the rules and regulations adopted pursuant to this chapter may have standing to request review of said contention by the Board of Contracts and Awards and, thereafter, by the City Council or Public Utility Board, as appropriate. The decision of the City Council or the Public Utility Board, as appropriate, is final and conclusive.~~

~~10.27.070 — Severability.~~

~~If any section of this chapter, or its application to any person or circumstance, is held invalid by a court of competent jurisdiction, then the remaining sections of this chapter, or the application of the provisions to other persons or circumstances, shall not be affected.~~

~~10.27.080 — Review of program.~~

~~A. The City Manager and the Director of Public Utilities shall review the implementation of Chapter 10.27 (as revised) on a continuing basis and report on the impact of this program on a quarterly basis, to insure that the program is meeting the policy goals upon which this program has been enacted, namely, the promotion of a healthy business environment, increased competition, reduced unemployment, business development, and ensuring equal opportunity in contracting with the City.~~

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