




**City of Oak Harbor  
City Council Agenda Bill**

Bill No. 6.c.  
Date: December 17, 2013  
Subject: Purchase and Bidding – General  
Provisions – Ordinance 1682

**FROM: Cathy Rosen, Public Works Director  
Joe Stowell, City Engineer**

**INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:**

Scott Dudley, Mayor  
 Larry Cort, City Administrator  
 Doug Merriman, Finance Director  
 Grant Weed, Interim City Attorney, as to form

**PURPOSE**

The purpose of this agenda bill is to amend the Oak Harbor Municipal Code to include a provision for alternative project delivery methods.

**FISCAL IMPACT DESCRIPTION**

Funds Required: \_\_\_\_\_ \$0

**SUMMARY STATEMENT**

On December 3, 2013, staff received approval from City Council to pursue the General Contractor / Construction Manager (GC/CM) alternative public works contracting procedure for delivery of the new wastewater treatment plant (WWTP).

For projects over \$10 million, [RCW 39.10](#) allows government agencies to use alternative delivery methods for construction projects. In order to pursue the GC/CM alternative project delivery, the City must first get approval from the state Capital Project Advisory Review Board (CPARB). The Project Review Committee (PRC) meets every other month to consider applications from agencies seeking to use an alternative project delivery.

Oak Harbor Municipal Code sections [2.310](#) and [2.330](#) currently address the traditional delivery method of Design-Bid-Build but is silent on alternative project delivery methods allowed by [RCW 39.10](#).

The proposed ordinance will add language to OHMC to allow alternative project delivery methods, thereby allowing staff to pursue GC/CM.

**CITY COUNCIL WORKSHOP**

The need for code amendments to pursue GC/CM has not been discussed at a city council workshop. However, it was mentioned at the December 3, 2013 city council meeting when requesting approval from council to pursue GC/CM as the preferred project delivery method.

**RECOMMENDED ACTION**

Adopt Ordinance 1682

**ATTACHMENTS**

Ordinance 1682

**CITY OF OAK HARBOR  
ORDINANCE NO. 1682**

**AN ORDINANCE OF THE CITY OF OAK HARBOR, WASHINGTON, RELATING TO CONTRACTING AND AMENDING SECTION 2.310.010 ENTITLED “PURCHASE AND BIDDING – GENERAL PROVISIONS,” AND SECTION 2.330.010 ENTITLED “PUBLIC WORKS,” OF THE OAK HARBOR MUNICIPAL CODE**

**WHEREAS**, The City desires to update the Oak Harbor Municipal Code to be consistent with state law; and

**WHEREAS**, the City intends to confirm in City code its authority to avail itself of the alternative contracting procedures of Chapter 39.10 RCW;

**NOW, THEREFORE**, THE CITY COUNCIL OF THE CITY OF OAK HARBOR, WASHINGTON, DO ORDAIN AS FOLLOWS:

**Section 1.** OHMC Section 2.310.010 entitled “Purpose and application” is hereby amended to read as follows:

**2.310.010 Purpose and application.**

(1) The purpose of Chapters 2.310 through 2.390 OHMC is to establish procedures and guidelines for making purchases of supplies, materials and services and contracting for public works.

(2) The provisions of this chapter shall apply to Chapters 2.310 through 2.390 OHMC. (Ord. 1470 § 2, 2006).

(3) Provided, however, nothing contained in this Chapter 2.310 OHMC shall be construed as limiting the City from use of the alternative contracting procedures set forth in Chapter 39.10 RCW as it now reads or is hereafter amended. Authorization of the use of alternative contracting procedures set forth in Chapter 39.10 RCW shall be by Resolution of the City Council.

**Section 2.** OHMC Section 2.330.010 entitled “When bids required for public works and improvements” is hereby amended to read as follows:

**2.330.010 When bids required for public works and improvements.**

Except as otherwise authorized by Chapters 39.04 and 39.28 RCW, or RCW 35.22.620, relating to emergency public works, or other applicable general state law, as now enacted or as hereafter amended, all public works and improvements shall be done by contract pursuant to public notice and call for competitive bids in accordance with this chapter whenever the estimated cost of such public work or improvement, including the cost of materials, supplies, equipment and labor, will exceed the sum of \$30,000 if more

than one craft or trade is involved with the public works project, or in excess of \$20,000 if only a single craft or trade is involved with the public works project or the public works project is street signalization or street lighting; provided, the city may use a small works roster pursuant to RCW 35.22.620. It is further provided, that the council may authorize public works construction projects without bid up to the bid limitation in RCW 35.22.620 as now in effect or as hereafter amended.

Whenever the estimated cost of the public work or improvement is less than the amounts provided above, a contract for the public work or improvement may be awarded by the applicable department director, or other person designated by the mayor, consistent with the procedures set forth in this chapter and as required under state law for the purchases of materials, supplies and equipment or, within the limits and to the extent authorized by RCW 35.22.620(2), the public work or improvement shall be performed by city employees.

The mayor, or his/her designee, is authorized to accept the public works and improvements performed under any contract awarded hereunder after determining that such work has been satisfactorily completed in accordance with the contract terms thereof. (Ord. 1470 § 4, 2006)

Provided, however, nothing contained in this Chapter 2.330 OHMC shall be construed as limiting the City from use of the alternative contracting procedures set forth in Chapter 39.10 RCW as it now reads or is hereafter amended. Authorization of the use of alternative contracting procedures set forth in Chapter 39.10 RCW shall be by Resolution of the City Council.

**Section 3.** Severability. If any section, clause, and/or phrase of this Ordinance is held invalid by a court of competent jurisdiction, such invalidity and/or unconstitutionality shall not affect the validity and/or constitutionality of any other section, clause, and/or phrase of the Ordinance.

**Section 4.** Effective Date. This Ordinance shall take effect immediately upon passage and publication of an approved summary thereof consisting of the title.

**ADOPTED** by the City Council and **APPROVED** by the Mayor this 17<sup>th</sup> day of December, 2013.

CITY OF OAK HARBOR

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SCOTT DUDLEY, MAYOR

ATTEST/AUTHENTICATED:

APPROVED AS TO FORM:

\_\_\_\_\_  
Valerie Loffler, City Clerk

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Grant K. Weed, Interim City Attorney

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