

**CITY OF SEATTLE**  
**ORDINANCE** 127289  
**COUNCIL BILL** 121046

AN ORDINANCE relating to public works contracts; amending provisions of the small works roster and contractor bond processes to align with state law; and amending Sections 20.40.020 and 20.48.010 of the Seattle Municipal Code.

WHEREAS, RCW 35.22.620 previously allowed certain contracts to be awarded using a small works roster process under RCW 39.04.155; and

WHEREAS, RCW 39.04.155 was repealed and replaced with RCW 39.04.151 through RCW 39.04.154 to reflect programmatic revisions to the establishment and use of the small works rosters for select public works projects in Washington State, including the establishment of a statewide roster option available to participating agencies through the Municipal Research Services Center, the creation of a new Public Works Small Business Enterprise (PWSBE) Certification Program through the Office of Minority and Women's Business Enterprises, the addition of a Direct Contracting Option for small works roster public works projects estimated to cost \$150,000 or less, and the option for agencies to waive state retainage and contract bond requirements for small works roster projects of \$5,000 or less; and

WHEREAS, RCW 35.22.620 was amended to delete "RCW 39.04.155" and add "RCW 39.04.151 through RCW 39.04.154"; and

WHEREAS, chapter 39.08 RCW provides public works contractors with the option to have ten percent of the contract amount retained in lieu of providing a contract bond for public works projects of \$150,000 or less; and

WHEREAS, the City believes that the RCW changes align with the City's equity in contracting policies by facilitating opportunities for small businesses to participate as prime contractors on select City public works projects; NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. Section 20.40.020 of the Seattle Municipal Code, last amended by Ordinance 123361, is amended as follows:

**20.40.020 Small Works Roster((-))**

The Director of Finance and Administrative Services shall establish ~~((and))~~ use, or administer a Small Works Roster for ~~((use on))~~ City of Seattle public works projects ~~((that meet the requirements of))~~ pursuant to Revised Code of Washington (RCW) ~~((39.04.155))~~ 39.04.151 and 39.04.152 and 35.22.620, as ~~((now or hereafter))~~ amended. The Director shall adopt ~~((rules and regulations regarding))~~ policies and procedures for the use of ~~((the))~~ a Small Works Roster. The Director may also execute interagency agreements or other contractual documents as required to establish, use, or administer such a Small Works Roster.

Section 2. Section 20.48.010 of the Seattle Municipal Code, last amended by Ordinance 120782, is amended as follows:

**20.48.010 Contractor's bond required**

Before any contract for a public work or improvement shall be valid or binding against the City, the contractor shall make, execute, and deliver to the City a bond(s) that meet(s) the requirements of chapter 39.08 RCW as ~~((now or hereafter))~~ amended, except as specified in subsections 20.48.010.A and 20.48.010.B. ~~((Such bond shall be in an amount equal to not less than 25 percent, nor more than 100 percent of the full contract price agreed to be paid for such public work or improvement.))~~

1        A. For contracts of \$5,000 or less, the ((Contract)) awarding ((authorities)) authority shall  
2 determine whether to require bond or retainage for ~~((limited))~~ public works projects awarded  
3 under ~~((the provisions of))~~ RCW ~~((39.04.155(3)))~~ 39.04.152, as ~~((now or hereafter))~~ amended.

4        B. For contracts of \$150,000 or less, but greater than \$5,000, in lieu of providing a  
5 contract bond, the contractor may elect for the City to retain ten percent of the contract amount  
6 pursuant to chapters 39.08 and 60.28 RCW.

7 If a bond is required, ~~((a))~~ the bond shall: (1) be in an amount equal to not less than 25 percent,  
8 nor more than 100 percent, of the full contract price agreed to be paid for such public work or  
9 improvement; (2) name the City as obligee((;)) ; and ~~((shall))~~ (3) be filed with the City Clerk.

10 The amount of ~~((the bond to be required of any contractor))~~ a required bond shall be: (1) stated in  
11 the call for bids for the doing of the public work or improvement; or (2) if there is no call for  
12 bids, as required by the department awarding the contract.

Section 3. This ordinance shall take effect as provided by Seattle Municipal Code  
Sections 1.04.020 and 1.04.070.

Passed by the City Council the 9th day of September, 2025,  
and signed by me in open session in authentication of its passage this 9th day of  
September, 2025.

  
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President \_\_\_\_\_ of the City Council

☒ Approved / ☐ returned unsigned / ☐ vetoed this 11th day of September, 2025.

  
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Bruce A. Harrell, Mayor

Filed by me this 11th day of September, 2025.

  
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Scheereen Dedman, City Clerk

(Seal)