

**WEST SOUND UTILITY DISTRICT
RESOLUTION 353-12**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF WEST SOUND
UTILITY DISTRICT ON THE SUBJECTS OF ESTABLISHING A SMALL PUBLIC
WORKS ROSTER PROCESS TO AWARD PUBLIC WORKS CONTRACTS AND A
CONSULTING SERVICES ROSTER FOR ARCHITECTURAL, ENGINEERING AND
OTHER PROFESSIONAL SERVICES**

WHEREAS, RCW 39.04.155 and other laws regarding contracting for public works by municipalities, allow certain contracts to be awarded by a small works roster process; and

WHEREAS, in order to be able to implement small works roster processes, West Sound Utility District (District) is required by law to adopt a resolution establishing specific procedures; and

WHEREAS, RCW 39.80.030 requires that an agency publish in advance that agency's requirement for professional services and that one of the ways to accomplish that notification is to announce generally to the public its projected requirements for any category or type of professional services and request qualification statements to be kept on file with the agency; NOW, THEREFORE,

THE BOARD OF COMMISSIONERS OF WEST SOUND UTILITY DISTRICT HEREBY RESOLVES:

Section 1. MRSC Rosters.

The District has contracted with the Municipal Research and Services Center of Washington (MRSC) to adopt for District use those state wide electronic databases for small public works roster and consulting services developed and maintained by MRSC and authorizes District staff to sign that contract. In addition, paper and/or electronic rosters may be kept on file by appropriate District departments.

Section 2. Small Public Works Roster.

The following small works roster procedures are established for use by the District pursuant to RCW 39.04.155:

1. **Cost.** The District need not comply with formal sealed bidding procedures for the construction, building, renovation, remodeling, alteration, repair, or improvement of real property where the estimated cost does not exceed Three Hundred Thousand Dollars (\$300,000), which includes the costs of labor, material, equipment and sales and/or use taxes as applicable. Instead, the District may use the Small Public Works Roster procedures for public works projects as set forth herein. The breaking of any project into units or accomplishing any projects by phases is prohibited if done for the purpose of avoiding the maximum dollar amount of a contract that may be executed using the small works roster process.
2. **Publication.** At least once a year, on behalf of the District, MRSC shall publish in a newspaper of general circulation within the jurisdiction a notice of the existence of the roster

contractors shall be added to appropriate MRSC Roster(s) at any time that they submit a written request and necessary records. The District may require master contracts to be signed that become effective when a specific award is made using a small works roster.

3. Telephone or Written Quotations. The District shall obtain telephone, written, or electronic quotations for public works contracts from contractors on the appropriate small works roster to assure that a competitive price is established and to award contracts to a contractor who meets the mandatory bidder responsibility criteria in RCW 39.04.350(1) and may establish supplementary bidder criteria under RCW 39.04.350(2).
 - a) A contract awarded from a small works roster need not be advertised. Invitations for quotations shall include an estimate of the scope and nature of the work to be performed as well as materials and equipment to be furnished. However, detailed plans and specifications need not be included in the invitation.
 - b) Quotations may be invited from all appropriate contractors on the appropriate small works roster. As an alternative, quotations may be invited from at least five contractors on the appropriate small works roster who have indicated the capability of performing the kind of work being contracted, in a manner that will equitably distribute the opportunity among the contractors on the appropriate roster. "Equitably distribute" means that the District may not favor certain contractors on the appropriate small works roster over other contractors on the appropriate small works roster who perform similar services.

If the estimated costs of the work is from one hundred and fifty thousand dollars (\$150,000.00) to three hundred thousand dollars (\$300,000.00), the District may choose to solicit bids from less than all the appropriate contractors on the appropriate small works roster, but must notify the remaining contractors on the appropriate small works roster that quotations on the work are being sought. The District has the sole option of determining whether this notice to the remaining contractors is made by:

- (i) Publishing notice in a legal newspaper in general circulation in the area where the work is to be done;
 - (ii) Mailing a notice to these contractors; or
 - (iii) Sending a notice to these contractors by facsimile or email.
- c) At the time bids are solicited, the District representative shall not inform a contractor of the terms or amount of any other contractor's bid for the same project;
- d) A written record shall be made by the District representative of each contractor's bid on the project and of any conditions imposed on the bid. Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry.

4. Limited Public Works Process. If a work, construction, alteration, repair, or improvement project is estimated to cost less than thirty-five thousand dollars (\$35,000.00), the District may award such a contract using the limited public works process provided under RCW 39.04.155(3). For a limited public works project, the District will solicit electronic or written quotations from a minimum of three contractors from the appropriate small works roster and shall award the contract to the lowest responsible bidder as defined under RCW 39.04.010. After an award is made, the quotations shall be open to public inspection and available by electronic request.

For limited public works projects, the District may waive the payment and performance bond requirements of chapter 39.08 RCW and the retainage requirements of chapter 60.28 RCW, thereby assuming the liability for the contractor's nonpayment of laborers, mechanics, subcontractors, materialmen, suppliers, and taxes imposed under Title 82 RCW that may be due from the contractor for the limited public works project. However, the District shall have the right of recovery against the contractor for any payments made on the contractor's behalf.

The District shall maintain a list of the contractors contacted and the contracts awarded during the previous 24 months under the limited public works process, including the name of the contractor, the contractor's registration number, the amount of the contract, a brief description of the type of work performed, and the date the contract was awarded.

5. Determining Lowest Responsible Bidder. The District Board shall award the contract for the public works project to the lowest responsible bidder provided that, whenever there is a reason to believe that the lowest acceptable bid is not the best price obtainable, all bids may be rejected and the District Board may call for new bids. A responsible bidder shall be a registered and/or licensed contractor who meets the mandatory bidder responsibility criteria established by Chapter 133, Laws of 2007 (SHB 2010) and who meets any supplementary bidder responsibility criteria established by the city.
6. Award. The District Manager or his/her designee shall present all telephone quotations/ bids and recommendations for award of the contract to the lowest responsible bidder to the District Board. However, for public works projects involving a cost or fee of less than Twenty Thousand Dollars (\$20,000), the District manager shall have the authority to award public works contracts without District Board approval, provided that the District Board shall ratify the District Manager's approval at the next scheduled District Board meeting by means of the consent agenda. For public works projects over Twenty Thousand Dollars (\$20,000), the District Board shall award all public works contracts.

Section 3. Consulting Services Roster

1. Consulting Services. Consulting services are professional services that have a primarily intellectual output or product and include architectural and engineering services as defined in RCW 39.80.020.

2. Publications. At least once a year, on behalf of the District, MRSC shall publish in a newspaper of general circulation within the jurisdiction a notice of the existence of the consulting services roster or rosters and solicit statements of qualifications from firms providing consulting services. Such advertisements will include information on how to find the address and telephone number of a representative of the District who can provide further details as to the District's projected needs for consulting services. Firms or persons providing consulting services shall be added to appropriate MRSC roster or rosters at any time that they submit a written request and necessary records. The District may require master contracts to be signed that become effective when a specific award is made using a consulting services roster.

3. Professional Architectural and Engineering Services. The MRSC Rosters will distinguish between professional architectural and engineering services as defined in RCW 39.80.020 and other consulting services and will announce generally to the public the District's projected requirements for any category or type of professional or other consulting services. The District reserves the right to publish an announcement on each occasion when professional services or other consulting services are required by the agency and to use paper and/or other electronic rosters that may be kept on file by appropriate District departments.

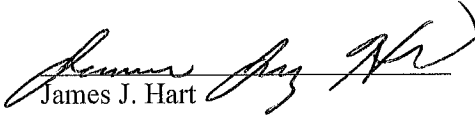
Section 4. Effective Date.

This resolution shall take effect and be in full force on June 1, 2012.

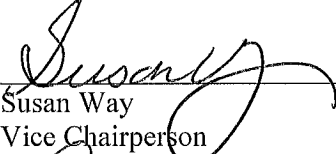
APPROVED and ADOPTED by the Board of Commissioners of West Sound Utility District at a regular scheduled meeting on February 21, 2012.

WEST SOUND UTILITY DISTRICT
Kitsap County, Washington

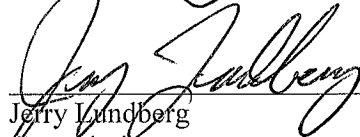
Jeannie Screws
Chairperson



James J. Hart
Secretary



Susan Way
Vice Chairperson



Jerry Lundberg
Commissioner