

**RESOLUTION NO. 1525**

**A Resolution of the Board of Commissioners of Public Utility District No. 1 of Okanogan County, Amending the District's Small Works Roster Process to Award Public Works Contracts and Repealing Resolution No. 1218**

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

**WHEREAS**, the District established a Small Works Roster Process under Resolution No. 1218 dated July 24, 2001; and

**WHEREAS**, changes to the Revised Codes of Washington (RCW) pertaining to small works roster process have occurred since that time;

**NOW, THEREFORE, BE IT RESOLVED** By the Board of Commissioners of Public Utility District Number 1 of Okanogan County that the following small works roster procedures are established for use by the District pursuant to RCW 54.04.070 and RCW 54.04.082, and Chapter 39.04 RCW:

**Section 1. Number of Rosters.** The District may create a single general small works roster, or may create a small works roster for different specialties or categories of anticipated work. Said small works rosters may make distinctions between contractors based upon different geographic areas served by the contractor.

**Section 2. Small Works Rosters.** 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 (\$300,000.00), which includes the costs of labor, material, equipment and sales and/or use taxes as applicable. Instead, the District may use the small 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 it is done for the purpose of avoiding the maximum dollar amount of a contract that may be let using the small works roster process.
2. **Publication.** At least once a year the District shall publish in a newspaper of general circulation within the jurisdiction a notice of the existence of the roster or rosters and solicit the names of contractors for such roster or rosters. Responsible contractors shall be added to appropriate 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 small works roster.
3. **Telephone, Written or Electronic 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 cost of the work is from one hundred fifty thousand dollars (\$150,000) to three hundred thousand dollars (\$300,000), 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 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 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.

e) Pursuant to RCW 39.04.200, the District shall make available a list of the contracts awarded under the small works roster at least once every year. The list shall contain the name of the contractor or vendor awarded the contract, the amount of the contract, a brief description of the type of work performed or items purchased under the contract, and the date it was awarded. The list shall also state the location where the bid quotations for these contracts are available for public inspection,

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), 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 attempt to distribute opportunities for limited public works among contractors willing to perform in the geographic area of the work.

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 shall award the contract for the public works project to the lowest responsible bidder, provided that the bidder shall be a registered and/or licensed contractor who meets the mandatory bidder responsibility criteria of RCW 39.04.350, and provided further 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 may call for new bids. In addition to price, the District shall pursuant to RCW 43.19.1911(9) take into account the following:

- a.) The ability, capacity and skill of the bidder to perform the contract;
- b.) Whether the bidder can perform the contract within the time specified by the District
- c.) The quality of the bidder's performance of previous contracts or services;
- d.) The previous and existing compliance by the bidder with laws relating to the contractor services.

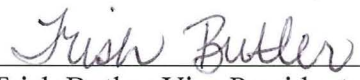
6. **Repealer.** Resolution 1218 adopted on the 24<sup>th</sup> day of July, 2001, entitled "A Resolution Establishing a Small Works Roster Process to Award Public Works Contracts" is hereby repealed.


**RESOLVED** this 14<sup>th</sup> day of June, 2011.


  
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Ernest J. Bolz, President

ATTEST:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Trish Butler, Vice President

  
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Michael D. Howe  
General Counsel

  
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David A. Womack, Secretary